

SWISS ARMED FORCES CONSCRIPTION AND MILITIA SYSTEM:
MUST THEY BE CHANGED?

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General Studies

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ABSTRACT

SWISS ARMED FORCES CONSCRIPTION AND MILITIA SYSTEM: MUST THEY CHANGE? by Major G.S. Jean-Baptiste Thalmann, 158 pages.

Conscription and militia system have always played a large role in the Swiss Armed Forces. Swiss citizens are actually so committed to conscription that on September 22, 2013, 73.2 percent of the electorate rejected a popular initiative to suppress it. However, Department of Defense (DDPS) officials admitted that only 50 percent Swiss males achieve their entire military service, de facto recognizing treatment inequality for military obligations.

This research explores how Switzerland should restructure conscription and the militia system to meet actual conditions, what are the key strategic and social challenges to be addressed, and what the implications, and potential solutions are.

It found that Swiss legal grounds linked to the conscription will not satisfy the international law, especially about discrimination. The recent Swiss people's decision only lets one valid option: opening the draft to women, and even permanent residents. This research also demonstrated that a balance between different factors is necessary for efficient security policies. Financial resources cannot alone define the reflection. A threat analysis and political consensus are also needed to find an equilibrium. The Armed Forces size is an equilibrium's consequence not a prerequisite.

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Finally, I thank Major Christian Caron, Canadian Armor Officer and studying partner, for his friendship and kindness throughout this year. The world would be much better with more people of his caliber.

Have a good read. I thank you, Dear Reader.

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ACRONYMS

AFLO	Armed Forces Logistics Organization
APG	Loss of Gain Allocation
Art	Article
ASC	Swiss Manager Association
BDP	Conservative Democratic Party
CEO	Chief Executive Officer
CHF	Swiss Francs
Cst	Federal Constitution of the Swiss Confederation
CVP	Christian Democrat People's Party
DDPS	Federal Department of Defense, Civil Protection and Sport
DEVA	Development of the Armed Forces
ECHR	European Convention on Human Rights
EEA	European Economic Area
EFTA	European Free Trade Association
ETHZ	Swiss Federal Institute of Technology, Zurich
EU	European Union
FDF	Federal Department of Finance
FDFA	Federal Department of Foreign Affairs
FDHA	Federal Department of Home Affairs
FDP	Liberals
FIS	Federal Intelligence Service
FOM	Federal Office for Migration
FOP	Federal Office for Police

GDP	Gross Domestic Product
GLP	Swiss Green Liberal Party
GS	General Staff
GSP	Swiss Green Party
GSsA	Group for a Switzerland without Armed Forces
IBG	General Basic Instruction
IC	Critical Infrastructure
ICRC	International Committee of the Red Cross
J1	Joint Staff, Director Human Resources
LAAM	Federal Law on the armed forces and military administration
LPPCI	Federal Law on population protection and civilian protection
LSC	Federal Law on the Civil Service
LTG	Lieutenant General
NATO	North Atlantic Treaty Organization
NCO	Non-commissioned Officer
Para	Paragraph
PfP	Partnership for Peace
RAPOLSEC 2000	2000 report from the Federal Council to the Federal Assembly on Swiss Security Policy (Report on Security Policy 2000)
RAPOLSEC 2010	2010 report from the Federal Council to the Federal Assembly on Swiss Security Policy (Report on Security Policy 2010)
SECO	State Secretariat for Economic Affairs
SIPRI	Stockholm International Peace Research Institute
SMB	Small and Medium Business
SP	Swiss Social Democratic Party

SVP	Swiss People's Party
UBS	United Banks of Switzerland
UN	United Nations
UNHCR	United Nations Refugee Agency
UNICEF	United Nations International Children's Emergency Fund
USAM	Swiss Union of Applied Arts
USD	United States Dollar
WO	Warrant Officer

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CHAPTER 1

INTRODUCTION AND OVERVIEW

Unus pro omnibus, omnes pro uno (One for all, all for one).

— Motto, Federal Palace Dome in Bern

Introduction

The aim of this chapter is to present evidence of Switzerland's evolution in the past few years, on how these evolutions impact the security policy¹ and more specifically the Swiss Armed Forces as a tool of the security policy.² At the end of this chapter the author expects the reader to understand: (1) in what form the Swiss Neutrality has changed and which challenges that are incurred as a consequence; (2) how the role of the Alps range gradually changed and what are the consequences from it; (3) the importance of the position filled by the militia-citizen in the Swiss system and its implications on the

¹Switzerland's security policy addresses 'violence on a strategic scale', i.e. force that has supra-regional, national or international effects and thus impacts considerable parts of state and society. Switzerland's security policy is expected to prevent such violence or its threat and should master it—if it should still materialize—in such a way that the interests of Switzerland and its population are safeguarded as effectively as possible. Federal Department of Defense, Civil Protection and Sport DDPS, "Security Policy," <http://www.vbs.admin.ch/internet/vbs/en/home/themen/security.html> (accessed 1 November 2013).

²According to the 2010 report on Security Policies, the tools of security policies are: (1) external policies; (2) the Army; (3) population protection; (4) intelligence services; (5) economic policies; (6) border control administration; (7) law enforcement; and (8) civil service. Federal Department of Defense, Civil Protection and Sport DDPS, "2010 Report on Security Policies," <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/bases/sicherheit.parsys.5013.downloadList.36678> (accessed 1 November 2013).

current system; and (4) how the social-economic environment developed and what it means for the Armed Forces recruiting system.

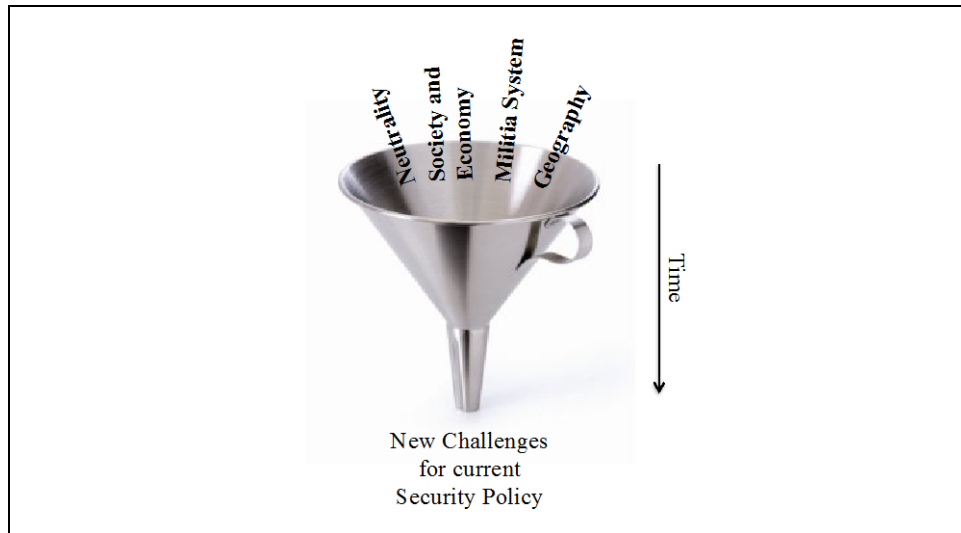


Figure 1. Synoptic Representation of the First Chapter's Targets

Source: Created by author.

Naturally, the reader must also understand the foundations, as well as the recent evolution (see figure 2) of the Swiss Armed Forces, which the author will call at times “army” even if in the United States of America this term only describes the branch army of the Armed Forces. As a matter of fact, since every Swiss male is military trained and keeps his uniform and his weapon at home, it is said that “Switzerland does not have an army. Switzerland is an army!”³ *Unus pro omnibus, omnes pro uno!*

³Rudolf Jaun, “Die Schweiz ist eine Armee, “ in *Neue Zürcher Zeitung am Sonntag*, 31 October 2010, http://www.zora.uzh.ch/62774/1/Jaun_2.pdf (accessed 1 November 2013), 26.

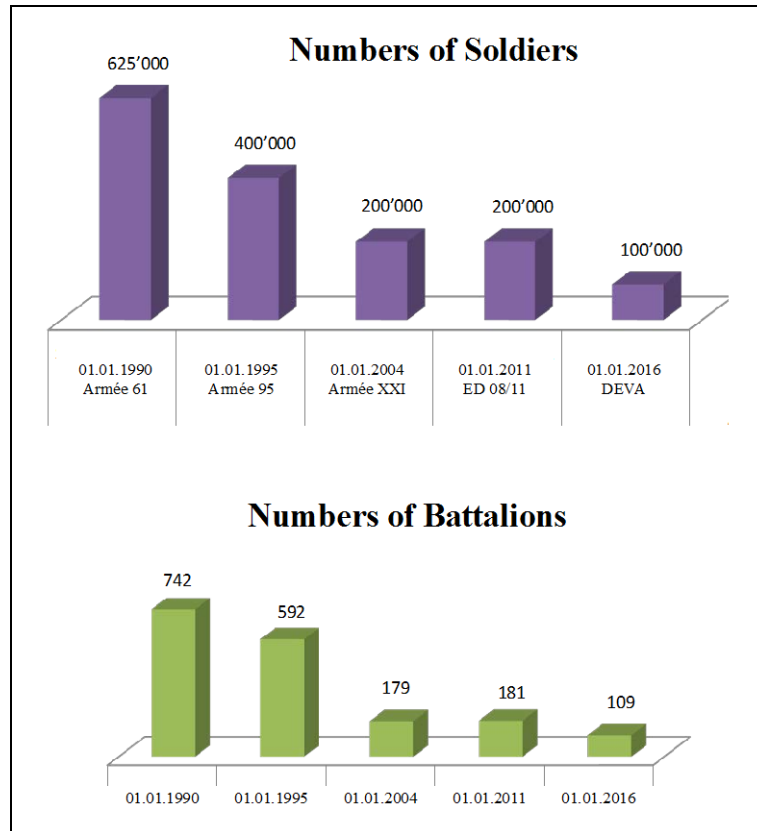


Figure 2. Evolution of the Swiss Armed Forces through Recent Reforms

Source: Federal Department of Defense, Civil Protection and Sport DDPS, “Evolution of the Swiss Armed Forces through Recent Reforms,” <http://www.vbs.admin.ch/internet/vbs/fr/home/> (accessed 1 November 2013).

On 22 September 2013, the Swiss people refused a popular federal initiative⁴ to abolish military service by a suffrage of 73.4 percent. It was a true plebiscite for

⁴Any member of the Swiss electorate can launch a popular initiative to demand an amendment to the Federal Constitution (of one or more articles or paragraphs). If the initiative is successful and is not subsequently retracted, the amendment to the Constitution will be put to the popular vote and needs to be approved by a majority of the electorate and the cantons (a “double majority”) in order to be made. Parliament may propose a direct counter-proposal to the initiative (usually a more moderate proposal), in the hope that the initiative committee will retract the original initiative and that the electorate and cantons will support the counter-proposal. If the initiative (or the direct

conscription. The initiative sought to end mandatory military service for men. The armed forces and the civilian protection would have been made up of men and women who would have fulfill their military service voluntarily. Civilian service would also have been voluntary.

This was no less than the seventh federal popular initiative launched by the Group for a Switzerland without Armed Forces⁵ (GSsA) since 1989.⁶ In the line of the previous initiatives, it aimed to directly or indirectly suppress or weaken the Swiss Armed Forces. Like the other ones, it was rejected.

counter-proposal) is approved at the ballot box, in most cases parliament then has to draw up legislation on the basis of the amended article or articles in the Constitution.

⁵Group for a Switzerland without Armed Forces, “Articles, les plus recents,” <http://www.gssa.ch/spip/> (accessed 4 November 2013).

⁶Federal Department of Defense, Civil Protection and Sport DDPS, “Resultats des votations, Initiatives populaires importantes pour l’armee,” <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/zahlen/abst.html> (accessed 22 November 2013).

Table 1. Synoptic Chart of the Seven Important Votes on the Armed Forces since 1989 (Targeted Results by the Instigators and Expressed Results in Percentage of Votes)

Year	Federal Popular Initiative	Changes (extracts) to the Constitution in case of acceptance	Yes (%)	No (%)
1989	For a Switzerland without armed forces and for a global policy of peace.	<ul style="list-style-type: none"> Switzerland does not have armed forces. The confederation, the cantons and the municipalities as well as individuals and private associations are forbidden to instruct or take care of the armed forces. 	35.6	64.4
1993	For a Switzerland without new military aircrafts.	<ul style="list-style-type: none"> Until 2000, the Confederation cannot buy new military aircrafts. 	42.8	57.2
2000	Save money in the armed forces and the defense in a broader term.	<ul style="list-style-type: none"> The confederation gradually reduces the allocated credits in favor of the National defense until the national defense budget is reduced to half the amount in 1987, at the most 10 years after the agreement of this initiative. 	37.6	62.4
2001	For credible security policy.	<ul style="list-style-type: none"> Switzerland does not have armed forces. Confederation, Cantons, municipalities and individuals are not allowed to take care of the armed forces. The civilian task currently accomplished by the armed forces, i.e. natural disaster help or safeguarding, will be taken care of by civilian authorities belonging to the confederation, Cantons and municipalities. 	21.9	78.1
2008	Against the noise level made by military jets in recreation areas.	<ul style="list-style-type: none"> In time of peace, the military exercises using military jets are forbidden in leisure and recreation areas. 	31.9	68.1
2011	Initiative for protection against armed violence.	<ul style="list-style-type: none"> Whoever aims to purchase, own, carry, use or gift a firearm or munitions must justify a need and must have the necessary abilities. Author Notes: This initiative mainly involves gun lobby and it shows an important support to the armed forces. 	43.7	56.3
2013	Popular initiative to abolish military service	<ul style="list-style-type: none"> The Initiative seeks to end compulsory military service for men. The armed forces should be made up of men and women who do their military service voluntarily. Civilian service should also be voluntary. 		

Source: Federal Chancellery, “Synoptic Chart of the Seven Important Votes on the Armed Forces since 1989 (Targeted Results by the Instigators and Expressed Results in Percentage of Votes,” <http://www.admin.ch/ch/f/> (accessed 22 November 2013).

The author believes that the role of community members in the Swiss society has changed tremendously in the past few years, as well as the threats Switzerland now has to face. These are mainly the reason why the author is convinced that the form of the answer to the problem needs to be adapted. This particular monograph concentrates on a thought process, which focuses on the implementation of the conscription and militia system in the current Swiss society. It focuses primarily on the Armed forces and only secondly on other eventual social sectors. In no way it is questioning the powerful will of the Sovereign. Therefore, it actually has no historical aspirations. It is addressed in an objective manner and without political aspiration to a contemporary audience who are involved in this peculiar situation.

If one wants to understand which role conscription and militia system still play in Switzerland, it is essential to first study Switzerland itself. Actually, what is exactly this tiny, neutral, and alliance free state in the middle of Western Europe, compared to a porcupine by Adolf Hitler in 1940 as he was planning for invasion? Incidentally, why is it neutral and almost pathologically non-allied? How does Switzerland look like geographically and where are its borders? How is it possible that so many different cultures live peacefully for almost two hundred years in such a small land? How do the Swiss simply live, in which world or environment? As a matter of fact, describing Swiss citizens' and Switzerland's contemporary behaviors shall give a comprehensive picture to understand not only their history—which they have almost without exceptions chosen freely and democratically—but also their future.

For this purpose, we could research exhaustively and approach many diverse themes. It is preferable to concentrate on four very particular aspects of Switzerland. In

distant and recent history, these four pillars founded the Swiss myth (the *Sonderfall Schweiz*) or the unique case we know now. In turns, we will speak of neutrality, geography, the militia system and then social-economy. Of course, to complete our work, we will speak of the Swiss armed forces but without getting into useless details. We will limit ourselves in recounting facts that are pertinent to this study.

Neutrality as Cement of Switzerland's Founding Myths and Trap for Our Future Security Policy

As already mentioned above, Switzerland is a tiny landlocked state in the middle of Western Europe. About five times smaller than the State of Kansas, the Swiss Confederation is bordered by Germany to the north, Austria and the Principality of Liechtenstein to the east, Italy to the south, and France to the west. With the exception made of Lichtenstein, Switzerland is surrounded by members of the European Union (EU). Switzerland is a not member of the EU since Swiss citizens rejected a referendum to join the European Economic Area (EEA) by 50.3 percent in 1992 and a popular initiative called "Yes to Europe!" by 76.7 percent in 2001.⁷

From the outset, there has always been some distrust of supranational organizations, often synonyms of loss of democratic rights and decisional autonomy. Actually, the Swiss are proud of their direct democracy, their political consensus and stability. The political system takes citizens and minorities respectfully into consideration. These are some of the reasons why Switzerland stayed out of international organizations throughout its history. Even if the Confederation interacts much closer to

⁷Swiss Federal Statistical Office, "Votations populaires federales 2001-survol, Resultats au niveau Suisse," <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/17/03/blank/key/2001/00.html> (accessed 4 November 2013).

the international community since the end of the Cold War, especially by joining the United Nations in 2002, the North Atlantic Treaty Organization Partnership for Peace (NATO, PfP) program in 1996, or the Schengen/Dublin,⁸ a normalization of its relationship with the EU appears every day further from happening. In Switzerland, we generally blame the EU for its chronic deficit of democracy, its enormous bureaucracy as well as its lack of legitimacy and rigor, so flagrant since the debt and public deficit crisis.⁹

⁸In a popular vote held on 5 June 2005, 54.6 percent of the Swiss people voted in favor of the acceptance of the Schengen/Dublin association agreement. Federal Department of Foreign Affairs FDFA, Directorate for European Affairs DEA, "Schengen/Dublin," <http://www.europa.admin.ch/dokumentation/00438/00545/00547/index.html?lang=en> (accessed 4 November 2013). Schengen/Dublin stands for the coordinated efforts of the EU Member States to extend the individual freedoms of their nationals and, at the same time, to bring about far-reaching improvements to security within Europe. Behind these endeavors lies the understanding that attempts to safeguard internal security and combat refugee flows have long represented problems reaching beyond national borders. More than ever, all States are called upon to take joint and coherent action. All the EU member states cooperate in Schengen/Dublin, whereby Great Britain and Ireland are only involved in some aspects. Norway and Ireland, two non-EU member states, also participate in Schengen/Dublin. After another 10 countries (EU-10) joined the EU on 21 December 2007, a total of 27 European states will benefit from the advantages of this border-crossing network. There is also a growing realization in Switzerland that the level of internal security can only be maintained if the authorities can cooperate with their colleagues abroad both closely and without any bureaucratic barriers. On Friday 12 December 2008, the Schengen association agreement of Switzerland was fully implemented. Since that date Schengen visas will be accepted to enter Switzerland. Federal Department of Justice and Peace, Federal Office for Migration, "Schengen/Dublin," https://www.bfm.admin.ch/bfm/en/home/themen/schengen_dublin.html (accessed 4 November 2013).

⁹Jennifer Schwarz, "The Swiss Exception," *L'Express*, 1 November 2004, http://www.lexpress.fr/actualite/monde/europe/l-exception-suisse_488055.html (accessed 22 November 2013).

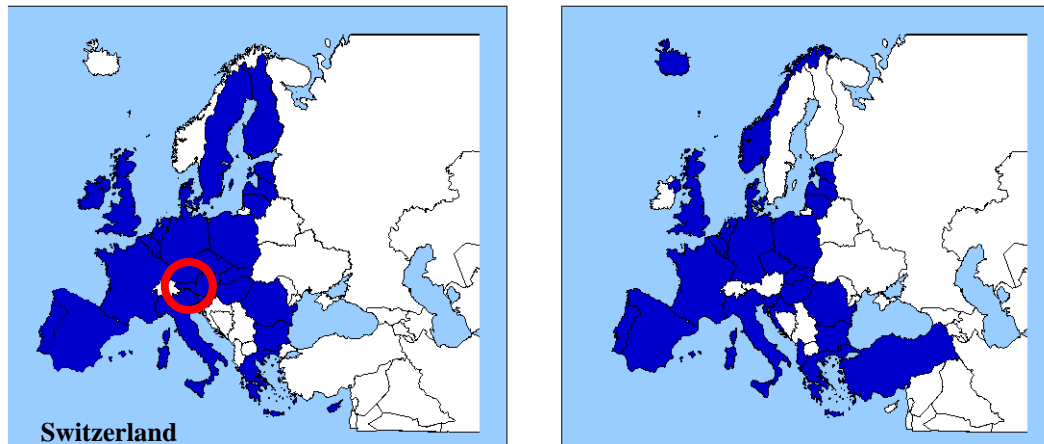


Figure 3. (Left) EU Member Countries; (Right) NATO Member Countries

Source: Federal Department of Defense, Civil Protection and Sport DPPS, “2010 Report on Security Policies,” <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/bases/sicherheit.parsys.5013.downloadList.36678> (accessed 1 November 2013).

May be these reasons hide simultaneously a type of collective selfishness, a strong tendency for the Swiss to always be on the most profitable side? Spared from invasions and international conflicts since 1848, Switzerland is not ready to get rid of a part of her assets in order to stand by the European Continent by sharing her sovereignty or worse than it all, its wealth.¹⁰ To justify our retreat, we brandish neutrality.

Thus, neutrality has paid a determining role in the building of Switzerland. It had the ultimate goal to warrant peace inside and outside of our borders within a relatively independent environment, which protected the public goods. In this perspective, it filled five functions: (1) the integration function helped maintaining peace within our borders and the cohesion within the confederation in spite of the confessional and cultural differences; (2) the protective function allowed the country to stay away from conflicts

¹⁰Schwarz.

involving the neighboring countries; (3) to preserve somewhat of an independence from hegemonic superpowers; (4) the economic function enabled the pursuit of business with belligerents, as trading freedom is essential to a small country without natural resources; and (5) it has as well a function of equilibrium, within Europe, because neutrality was adapted for a long time to the continent geostrategic interests. This function became very useful when Switzerland used it to offer its services (Switzerland's Good Offices)¹¹ to compensate the self-imposed disengagement, proving its international solidarity when and where it was possible.¹²

To counter this panorama of our recent past, we can present the arguments made by Pierre Maudet, the director of the Department of Security of the Republic and Canton of Geneva. In a pamphlet on the Swiss Security Policy, publicly upheld by Pierre Aepli, Peter Arbenz and Christophe Keckeis,¹³ he says that “The Swiss neutrality has lost its

¹¹Switzerland's good offices have a long tradition. As well as mandates to exercise protective power, today they play a significant role in Swiss peace policy. The Swiss Department of Foreign Affairs (FDFA) is keen to play an active role in diplomatic peace processes and use appropriate good offices to contribute to the peaceful settlement of conflicts. Good offices can simply be a matter of Switzerland offering its territory as a negotiating venue (i.e. in a hotelier function). But the types of conflict prevailing today tend to need a much more active engagement in peace policy. Switzerland makes contact with conflict parties on the ground and functions as a mediator. Acting as a third party in this way, it can bring in its own experts and propose negotiating methods or solutions. Federal Department of Foreign Affairs, “Switzerland's Good Offices,” <http://www.eda.admin.ch/eda/en/home/topics/peasec/sec/goch.html> (accessed 1 November 2013).

¹²Alois Ricklin, “Neutralität” *Historisches Lexikon der Schweiz*, 2010, <http://www.hls-dhs-dss.ch/textes/d/D16572.php> (accessed 4 November 2013).

¹³Pierre Aepli has a license (B.A.) in political sciences, holder of a diploma from IMD and FBI. Officer of the French national Order of Merit, he was the head of the Vaudoise Cantonal Police during 20 years with the title of Cantonal Police Commander. He had tenure at the Lausanne School of criminal science until 2008. He was a consultant to the center of democratic control of the Armed Forces in Geneva (DCAF), a NATO

reasons to exist because on one hand the country is surrounded by *friendly* States and on the other hand, it belongs to a multipolar world.” The very recent Geneva conference¹⁴ however shows that the good offices still have a potential future. It is nevertheless inseparable with the States’ own future since, like it did in the past, the conference brings together pro-Russian and pro-American participants. Maudet adds that terrorist organizations do not recognize borders and attacks outside of framework designed by International Laws. For Jean-Marc Rickli, former President of the Geneva University Strategic Studies Group, “the codification of the Neutrality law dates from 1907 The Hague Convention. Wanting to base a security policy on these postulates would be like developing an air transport policy with references to aircraft that flew with lawnmower’s engines.”¹⁵

In the same objective, Maudet argues that “Switzerland has a moral obligation to firmly oppose terrorism and to fight it side by side with Nations sharing its values. The

auditor in Armenia after having been in Azerbaijan, delegate to the Southeast Europe Police Chiefs Association. He is active in sector of Balkans’ security reforms and appraisal expert in Palestine (in Gaza and Ramallah). He is also in charge of missions in Indonesia, expert of the European Council and a member of the Swiss delegation to the Interpol congress. Contacted by the European Council in September 2005, he is asked to take the function of experts on law enforcement missions in Eastern Europe countries. Peter Arbenz is the former director of the Federal Office of Migrations (ODM). Christophe Keckeis is the former Chief of Staff of the Swiss Armed Forces.

¹⁴UN News Center, “Geneva conference must include Syrian Government and opposition, says Arab League-UN envoy,” United Nations, <http://www.un.org/apps/news/story.asp?NewsID=46391&Cr=Syria&Cr1=#.UnfdOaUzmw0> (accessed 4 November 2013).

¹⁵Jean-Marc Rickli, quoted in Pierre Maudet, “Politique de sécurité suisse, le vrai rapport,” December 2010, <http://www.pierremaudet.ch/site/wp-content/uploads/2013/03/Politique-de-sécurité-Le-vrai-rapport1.pdf> (accessed 22 November 2013), 7.

other democratic nations are expecting Switzerland to get more involved in this fight.”¹⁶ Furthermore, “these terrorist organizations do not consider Switzerland as neutral. Its status of occidental, Christian and rich State makes it, de facto, a potential enemy.”¹⁷ In accepting a federal popular initiative in 2009, launched by a right-wing political party forbidding the building of minarets,¹⁸ “Switzerland positioned itself as an adversary to Islam in Islamic groups. It was even more flagrant as a reaction to the “Axis of evil” established by the United States, Switzerland had to implicitly choose a side.”¹⁹

Therefore, as a consequence of its isolation, its neutrality being obsolete and also because of the increasing volatile instability of the international theater, Maudet asserts the position of Switzerland has been weakened. War is now clearly fought in a different territory, the one of economy, the repeated attacks on banking and financial institutions being an evident example. They demonstrate that the spine of the Swiss economy can easily be reached, weakening the entire structure of the country. The terminology “too big to fail”²⁰ is self explanatory. Since the grounding of Swissair, flagship of the Swiss

¹⁶Maudet, 7.

¹⁷Ibid.

¹⁸Federal Chancellery, “Votation No 547, Tableau recapitulatif,” <http://www.admin.ch/ch/f/pore/va/20091129/det547.html> (accessed 22 November 2013).

¹⁹Maudet, 7.

²⁰Idea that certain businesses are so important to the nation that it would be disastrous if they were allowed to fail. This term is often applied to some of the nation's largest banks, because if these banks were to fail, it could cause serious problems for the economy. By declaring a company too big to fail, however, it means that the government might be tempted to step in if this company gets into a bad situation, either due to problems within the company or problems from outside the company. While government bailouts or intervention might help the company survive, some opponents think that this is counterproductive, and simply helping a company that maybe should be allowed to

P.R., 10 years ago and the very recent American collapse of UBS, Switzerland endured more economic disasters than in all of the 20th century.²¹

Finally, the failure of the Helvetic diplomacy in the conflict between Switzerland and Libya clearly shed light on the game of powers and alliances. Its mismanagement of these types of events contributed to give the impression that Switzerland constitutes the weaker link in the midst of Europe, by not belonging to any Defense alliance and ipso facto easily opened to lethal or non-lethal attacks, even if it is only to create a diversion.²²

In order not to forget essential points along the way for our follow up argument, let us summarize shortly what we have overviewed so far neutrality. The form of Swiss neutrality did not fundamentally change in the past few years. The advantages Switzerland received from this, as well the way it is perceived in the current world changed tremendously. Even if neutrality protects us from an attack of the classical type,²³ we have reviewed that it does not protect us from new types of attack such as

fail. This concept was integral to the financial crisis of the late 2000s. Business Dictionary.com, “too big to fail,” WebFinance, <http://www.businessdictionary.com/definition/too-big-to-fail.html> (accessed 1 November 2013).

²¹Maudet, 7.

²²Daniel Möckli, “The Libyan Affair: Afterthoughts on Swiss Crisis Management,” *ETHZ CSS Analysis in Security Policy* 77 (July 2010), <http://www.css.ethz.ch/publications/pdfs/CSS-Analyses-77.pdf> (accessed 22 November 2013).

²³The rights and duties of neutral states in wartime are laid down for the first time in writing in The Hague Conventions of 18 October 1907. The most important obligations are: (1) non-participation in war; (2) self-defense; (3) impartiality towards belligerents (concerns the export of war material); (4) no mercenaries for belligerents; and (5) denial of territory to belligerents. The most important right is that of territorial inviolability. Federal Department of Defense, Civil Protection and Sports DDPS and the Federal Department of Foreign Affairs DFA, *The Swiss Neutrality*. 2004, <http://www.vbs.admin.ch/internet/vbs/en/home/documentation/publication.parsys.0008.downloadList.9934.DownloadFile.tmp/neuteebook.pdf> (accessed on 04 November 2013), 11.

cyber attacks, to name only one. Neutrality was an answer to a clear threat. However the threat has changed: we will see this in the next chapter. Logically, the answer must be to adapt to the new threat.

For the military, terrain plays a major role. The author wants now to take a closer look at the role of the Swiss terrain.

The Terrain Changed Sides

In its geological structure, Switzerland is compartmentalized by its mountain range of the South Alps and North Jura, presenting in its center an agro-industrial plateau occupied by all economical sectors and densely populated by 75 percent of the Swiss. The Alps roughly cut Central Europe in two parts. With Fréjus tunnel in France and the Brenner's pass in Austria, the Gothard is now one of the three principal passageways to cross the Alps. It supports an important part of the terrestrial traffic of goods and energies travelling North to South between the harbors of Genoa, Italy and Rotterdam, Netherlands. It is also important for personal travels, especially by train, since it links—soon at high speed—the large towns of South Germany to the Lombardy region, which constitute the business lungs of Italy.²⁴

²⁴Swiss Federal Office for Spatial Development, *Itineraries through the Alps*, 2001, http://www.are.admin.ch/dokumentation/publikationen/00043/index.html?lang=fr&download=NHZLpZeg7t,lnp6I0NTU042l2Z6ln1ae2IZn4Z2qZpnO2Yuq2Z26gpJCDdYR_hGym162epYbg2c_JjKbNoKSn6A (accessed 22 November 2013).

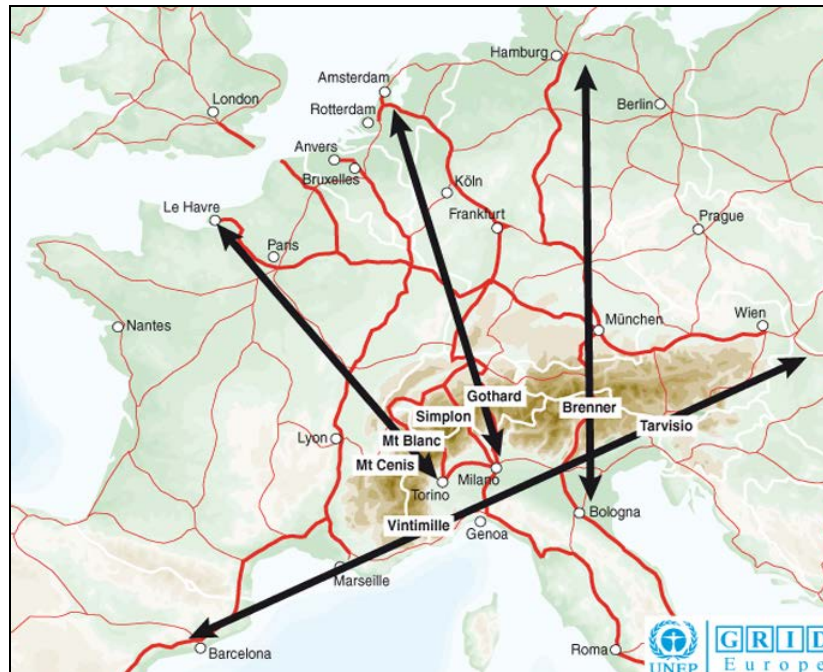


Figure 4. Freight Corridors, Tunnels and Passes

Source: United Nations Environment Program, “Freight Corridors, Tunnels and Passes,” UNEP/DEWA/FRDI-Geneva, November 2007, http://www.grid.unep.ch/products/4_Maps/transalpine_LAZ_20071106b.jpg (accessed 10 October 2013).

In the past, the Alps have offered Switzerland a tremendous rampart against any type of aggressors. One of the first tactical lessons for Swiss cadets still is “Qui tient les hauts tient les bas!” (Who holds the highs, holds the lows!) As Lieutenant General (LTG) Hans Senn, former Joint Chief of Staff recalls, “the Swiss armed forces prepared for a long time to lead combat in the mountains close to the massif of Gothard, implying the destruction of the transalpine passage ways. After the Second World War, the symbolism of this national redoubt strengthened to become a national myth that was never criticized until the end of the 20th century. For many this redoubt embodied the willingness of

Defense, the Sonderfall of a Sovereign Switzerland. It can be considered as a new founding myth of the Confederation.”²⁵

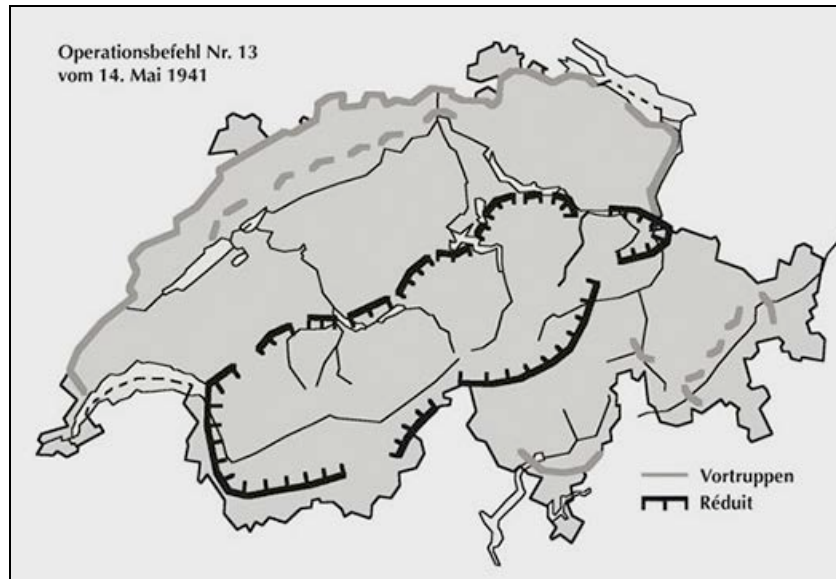


Figure 5. The Alps as Last Rampart, Concept of National Redoubt as of 1941

Source: Festung Oberland, “The Alps as Last Rampart, Concept of National Redoubt as of 1941,” www.festung-oberland.ch (accessed 21 November 2013).

We therefore gather from the terrain that the past strategy was to prevent movement. Nowadays, the strategic thought is to allow movement. As well as neutrality is concerned, the answer we are giving about the new role, the terrain plays, needs to be adapted. The author wants now to see what role the militia plays in a broad sense. We will go into further details, when we speak of the militia system in the Armed Forces.

²⁵Hans Senn, “Réduit” *Historisches Lexikon der Schweiz*, 2010, <http://www.hls-dhs-dss.ch/textes/d/D8696.php> (accessed 21 November 2013).

The Militia System as a Tool of the Republic

Professor Andreas Kley, Ph.D. defines the militia system as being “ an organizational principle largely used in public life in Switzerland; it relies on the ideology of the Republic in which a citizen who has certain capacities must assume public duties and consequences in an extra professional and volunteer capacity. This expression specific to Switzerland is borrowed from military vocabulary (in Latin, *militaria*). In the old regime, the militia system already spread to political territory. As for the Swiss militia armed forces, it was born from the cantonal militias of the early middle Ages. The principle of citizen armies, inspired from the revolutionary armies from France and the United States of America, was written in 1798 in the constitution of the Helvetic Republic and in the military rules of engagement from 1804 to 1817.”²⁶ It is as if supplying a militia service is etched in Swiss’ genes. It is also established in private fields and in civilian society, when community organizations rely on the volunteer work of its members. If at the end of the 20th century the principle of militias was challenged,²⁷ it remained nonetheless very well established. In 2013, a mandate of national counselors and state counselors (Members of the House of Representatives or Senators), constituted the equivalent of a part-time job. We can easily compare the importance of the militia in Switzerland, with the volunteering largely used in the United States, having many implications in organizations and community life. This system allows to insure a “grass roots” representation in politics.

²⁶Andreas Kley, “Milizsystem” *Historisches Lexikon der Schweiz*, 2010, <http://www.hls-dhs-dss.ch/textes/d/D43694.php> (accessed 21 November 2013).

²⁷In 1992, Swiss citizens rejected a law allowing benefits for Members of the federal Parliament.

We must remember from this paragraph, that the militia principle still fits in even the highest legislative functions. When, in a prosperous country like Switzerland, the lawmaker is a militiaman, chances that he will suppress this type of service are rather minimal. Only the Sovereign—the people of Switzerland—could do it otherwise. The author will talk about it later by dealing exhaustively with the militia principle in the Swiss Armed Forces, but in an attempt at an introduction, we can say that the militia system, even though it has been very useful, has come under fire on numerous subjects. It is accused in particular to be incompatible with the demands and the realities of modern society in this area which has become much more global, since the fall of the Soviet Union. The author wants to take a closer look at the Swiss social economic environment, in order to eventually understand the general reasons why the militia system endures its critics.

The Social-economic Environment

Switzerland in the 21st century is very largely global. The KOF Index of Globalization from the Swiss Federal Institute of Technology, Zurich (ETHZ) measures the three main dimensions of globalization: economic, social, and political. Switzerland ranked 10th in a 2013 survey, which top 30 was largely dominated by Western European countries. With the exception of Austria, Switzerland is above all its direct neighbors. As a comparison tool, the United States of America ranks number 34.²⁸

²⁸Swiss Federal Institute of Technology, *The KOF Index of Globalization*, 25 March 2013, http://globalization.kof.ethz.ch/media/filer_public/2013/03/25/rankings_2013.pdf (accessed 22 November 2013).

Obviously, Switzerland is known for its banking, brokers and insurance financial services. Zürich is the second European financial city after London. On the other side of the country, Switzerland is also known for its humanitarian capital, Geneva. To name only the most important ones, the other Headquarters of the United Nations, the International Red Cross Committee (ICRC), The UN Refugee Agency (UNHCR), the United Nation Children's foundation (UNICEF) are all based in Geneva. It is mainly between Geneva and Zürich—on the Plateau—that 7,954,622 inhabitants reside, which represents a density of almost 475 per square mile. Companies like Nestlé, Novartis, Swatch, British American Tobacco, but also universities and their hospitals and powerful multinational world or European company headquarters, as well as many International sport federation headquarters (The International Olympic Committee, Federation International of Football Association known as FIFA, etc.), all brought a manpower mostly highly qualified to this area, which looks increasingly like a mini-megalopolis. Close to one in four inhabitant (23 percent) is a foreigner. 65.5 percent comes from the European Union (EU) and European Free Trade Association (EFTA) countries.

Ultimately, Switzerland leads the world as a natural resources trader but does not produce them. Actually the country is totally deprived of them, which makes it totally dependent of oil and gas products. Its position on the ridge of the Alps offers however an important potable water reserve since the Massif of Gothard gives birth to 4 major hydrographical reserves in Europe: (1) The *Rhône* is the second largest river to flow in the Mediterranean after the Nil. Its course in France is used to cool down not less than six nuclear power plants in a country where the atom industry employs directly or indirectly 200,000 people and supply 80 percent of consumed electricity; (2) The *Rhine* flows to the

North Sea and the German and Dutch industries take advantage of its course. It is one of the most travelled waterways in the world; (3) The river *Inn* is the principal artery of the Austrian Tyrol and flows into the Danube at point where the well-known blue river is smaller than the Inn; and (4) The *Maggia* flows into the Pô River in Italy. The four rivers and their affluents contribute for 56 percent of the electricity energy production in Switzerland.²⁹ However, water does not have an economic vocation only. It is obviously essential to life. Prof Konrad Steffen states that, “even though Switzerland represents only 0.6 percent of European ground, it has six percent of unsalted water reserve of the old continent.”³⁰

At a social point of view, the geographical position of Switzerland, at a crossroad of several European cultures, explains why the country has four main linguistic and cultural regions. 65.6 percent of the population speaks German, 22.8 percent French, 8.4 percent Italian, 0.6 percent Romansh, and 18.7 percent speak another language. Even if the German-speaking citizens represent the vast majority, Switzerland does not form a nation in the sense of a common ethnic, or linguistic identity. The common history—as already mentioned above—actually shaped a strong social cohesion and developed

²⁹Department of the Environment, Transport, Energy, and Communications, Swiss Federal Office of Energy SFOE, “Hydropower,” 25 June 2013, <http://www.bfe.admin.ch/themen/00490/00491/index.html?lang=en> (accessed 22 November 2013).

³⁰Professor Konrad Steffen, Swiss Federal Institute for Forest, Snow and Landscape Research, “Annual Press Conference,” 29 April 2013, http://www.wsl.ch/medien/news/ETH-Rat_Jahresmedienkonferenz/La_Suisse_en_tant_que_chateau_d_eau.pdf (accessed 22 November 2013).

common values like federalism and direct democracy.³¹ Language barrier is not the only thing dividing the Swiss population. According to a 2005 study, the social status progression happens faster in big towns like Geneva or Zürich. Another interesting fact is that the individualization index³² is high in cities and low in rural areas. Even though in a general point of view, it is getting wider, the relativity rate between urban and rural areas is relatively stable. The allophonic index³³ also shows a rural-urban disparity that does not stop growing. Not being linguistically integrated is more typical in urban regions. The last factor of the study shows, that the Swiss elder population grows larger than in the past. So there is a tendency in Switzerland to: (1) climb the social ladder; (2) to be more individualistic; and (3) with a more diverse and older population. This typically urban profile is spreading as well to the rural areas but still stays very distinct.

³¹Federal Chancellery, *The Swiss Confederation, a brief guide 2013*, 2013, http://www.bk.admin.ch/dokumentation/02070/index.html?lang=en&download=NHZLpZeg7t,lnp6I0NTU042I2Z6ln1ad1IZn4Z2qZpnO2Yuq2Z6gpJCHeYJ4fWym162epYbg2c_JjKbNoKSn6A (accessed 22 November 2013).

³²The individualization index shows in which ways the population goes astray from the traditional bourgeois life. Individual lifestyles, as solitarian life or professional activities of mothers are taken into account as types of household and family lifestyle.

³³The allophonic index measures the number of people whose integration are slowed down by linguistic barriers in a particular population.

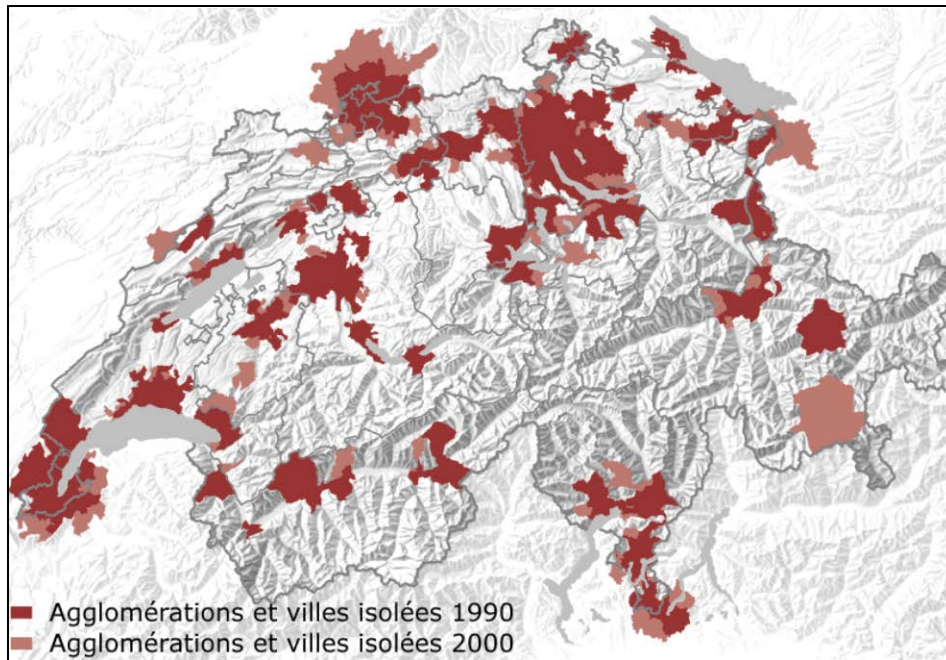


Figure 6. Evolution of Urban Centers 1990-2000

Source: Federal Office for Spatial Development, “Etude thématique A1: L’évolution des villes et des agglomérations suisses Le monitoring de l’espace urbain suisse,” October 2003, http://www.are.admin.ch/dokumentation/publikationen/00141/index.html?lang=fr&download=NHZLpZeg7t,lnp6I0NTU042l2Z6ln1ae2IZn4Z2qZpnO2Yuq2Z26gpJCDeX55hGym162epYbg2c_JjKbNoKSn6A (accessed 12 January 2013).

We can remember at this stage of the Swiss social-economic state, that it has become even more global and more receptive than ever, while even more dependent of its surrounding world, than before, even more urban and more individualist. Therefore the needs in security matters for such a society, as well as the threat, are different from what we have known in the past, especially during World War II or during the Cold War. They need to be addressed in a different manner.

In the previous pages, we tried through four themes to give a general panorama of the evolution in Switzerland in the past few years, on how these evolutions impact security policy: (1) the Swiss concept of the application of neutrality will presents a large

potential for development; (2) the Swiss natural ramparts of yesterday have become mobility challenges in a global and interdependent Europe; (3) the militia system is integral part of the political society and assures a natural link between the base and the head of the State; and (4) Switzerland has transformed itself into a large and fragile urban place, nested in a highly globalized world and in which people pass each other as they move around on a regular basis but they do not know each other and integrate in society with more difficulties.

As the author has studied it, the Armed Forces are one of the eight tools of the Swiss security policy. To complete the panorama, the author wants to narrow down our focus and review in detail the Swiss Armed Forces in correlation with our points of interest, which are the conscription and the militia system. By tackling their evolution, their advantages and drawbacks, we hope to create the best conditions for an efficient and constructive reflection in depth.

The Swiss Armed Forces, the Conscription, and the Militia System

In order to have a global view of the problems presented, the author wants to examine in greater details the characteristics of the Swiss Armed Forces. Nonetheless at this stage, we are not going to underline the different current debates. This will happen in the literature review. We will simply show and explain, what we think the reality of the conscription and the militia system is in the Swiss armed forces. In order to back our explanations, we will mainly rely on official statistics. We will also give our own interpretation, resulting from practice and experience.

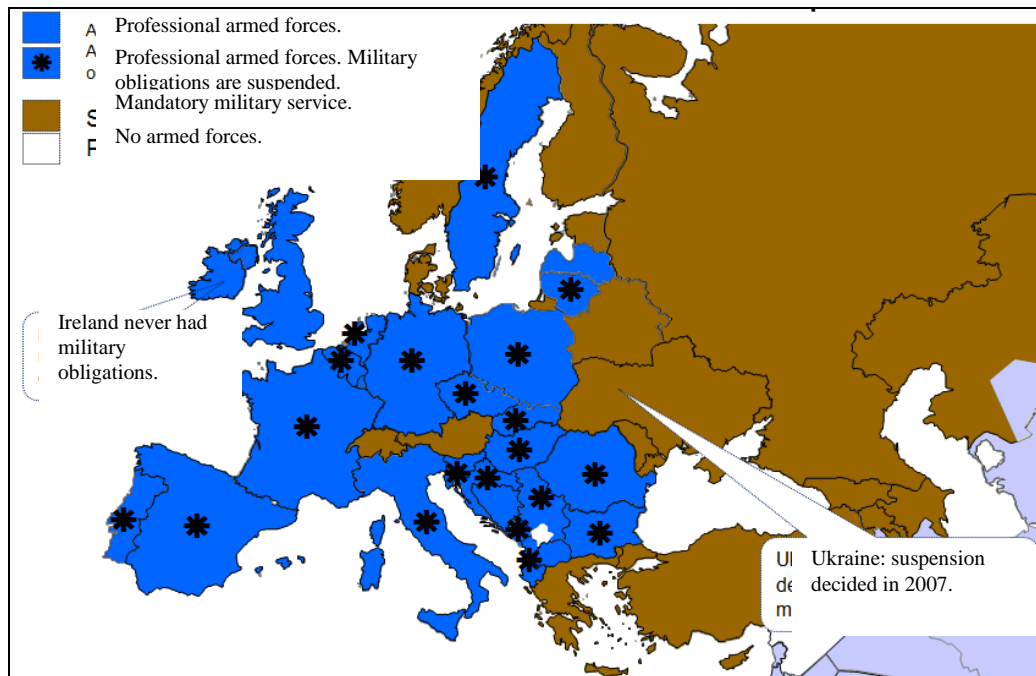


Figure 7. Models of Defense in Europe in 2013

Source: Federal Department of Defense, Civil Protection and Sport DDPS, “Models of Defense in Europe in 2013,” <http://www.vbs.admin.ch/internet/vbs/fr/home/> (accessed 1 November 2013).

Thus it is essential at this stage to understand two principles anchored in the 1999 Federal Constitution: (1) the method of supplying personnel for the Armed Forces shown in the map below by the (X) axis; and (2) the type of representation—permanent or non permanent—of the Armed Forces by the (y) axis.

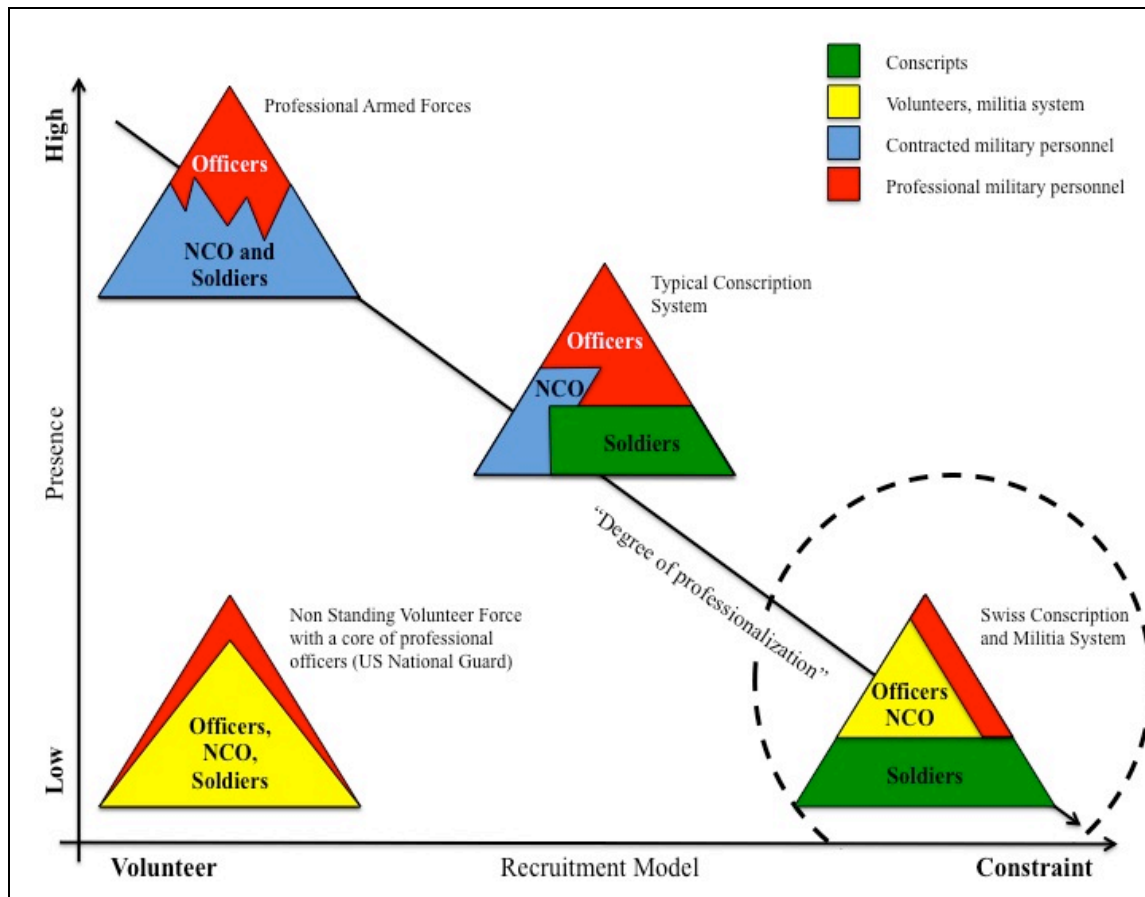


Figure 8. The Different Models of Armed Forces Typology according to Karl W. Haltiner

Source: Karl W. Haltiner, “Was unterscheidet die Schweizer Miliz von anderen Armeen?” *Allgemeine schweizerische Militärzeitschrift* (January 1998): 11, <http://retro.seals.ch/digbib/view?rid=asm-004:1998:164::12&id=browse&id2=browse4&id3> (accessed 1 November 2013).

The Conscription

The above graph lets the reader clearly see that the Swiss Armed Forces are supplied by a restricting system, which is called conscription. In this manner, the Federal constitution states that “Every Swiss man is required to do military service. Alternative

civilian service³⁴ shall be provided for by law. Military service is voluntary for Swiss women.”³⁵ By definition, this system opposes the one established in the United States or in most European Armies which are currently and routinely called an “all-volunteer force.”³⁶ Svircev Tresch explains armed forces based on conscription with the following definition, actually corresponding to the triangle in the middle on the figure above: “A conscript armed forces based on the legal or constitutional obligation of the members of a State where military service is performed usually only by capable men. The officers are usually professional soldiers. The conscription-based armed forces, as a general rule, are also on a volunteer basis.”³⁷

In the triangle describing the Swiss model, we can see that Haltiner qualifies the officer and non commissioned officers of volunteer (see triangle circled). This notion is

³⁴The civil service is, in accordance with article 59 of the Federal Constitution, a substitute service to the military service. Federal Law on the substitute civil service (Law on civil service, LSC) came into effect on 1 October 1996. The civil service does not affect the constitutional principle of the global military obligation. It is not a free choice as an alternative to military service and it stays a particular form of the fulfillment of military obligations. The question of a substitute service can only be asked of individuals constrained to a military service. It means that each military man desiring to be enlisted in a civil service must have at least taken part in the basic training and must have been declared fit for duty. Individuals who are not constrained to military service for medical or other reasons cannot apply.

³⁵The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation of 18 April 1999 (status as of 3 March 2013),” <http://www.admin.ch/ch/e/rs/c101.html> (accessed 1 November 2013), art. 59, para. 1 to 3.

³⁶Aleksandra Dier, “To Draft or not to Draft? Conscription Reform in the EU,” *ETHZ CSS Analysis in Security Policy* 75 (June 2010), <http://www.css.ethz.ch/publications/pdfs/CSS-Analyses-75.pdf> (accessed 1 November 2013).

³⁷Tibor Svircev Tresch, *Europas Streitkräfte im Wandel: Von der Wehrpflichtarmee zur Freiwilligenstreitkraft, Eine empirische Untersuchung europäischer Streitkräfte 1975 bis 2003* (Ph.D. dissertation, Universität Zürich, Zürich, Switzerland:, 2005), 21.

incorrect in theory, but very exact in a practical term. If legally, “all soldiers should be obligated to wear a rank and to command or hold a position”³⁸ common sense nonetheless dictates that only capable motivated soldiers, therefore volunteers, are selected and trained ultimately to become a good leaders (officers or non commissioned officers).

In the Swiss model, professional military men—among which the present author—in red mainly assumes teaching roles in the schools and training sessions, or in planning or managing functions aiming to the operation and development of the system. In this paradigm, on 1 January 2009, when the Swiss Armed Forces strength was of 200,000 men, the professional personnel were made up of only 807 professional officers, 1,019 professional NCOs/WOs, 349 contracted military officers, 540 contracted military NCOs, 18 contracted soldiers and 213 civilian teachers.³⁹ This very small percentage illustrates the fact that, in a broad manner, the soldier-citizen is trained, led, and managed by an officer-citizen or an NCO-citizen and not by professional leaders. Only the future cadre (leader)-citizens (Sergeant up to General) are directly trained by professional officers and NCOs.

This notion is extremely important because it constitutes a first advantage to the conscription. In fact, if we previously describe Switzerland as the host of many

³⁸The Federal Assembly of the Swiss Confederation. *Loi fédérale sur l’armée et l’administration militaire (LAAM)*, 3 février 1995 (Etat le 1er novembre 2012), <http://www.admin.ch/opc/fr/classified-compilation/19950010/201211010000/510.10.pdf> (accessed 7 November 2013), art. 15.

³⁹The Swiss Parliament, “Answer from the Federal Council on 6 May 2009 to an interpellation from National Counselor Kurt Fluri asked on 9 March 2009,” http://www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=20093068 (accessed 1 November 2013).

multinational companies, the spreadsheet below shows that the center of the Swiss economic web is made at a rate of 99.6 percent by small or medium size companies (up to 249 employees) and these employ 66.6 percent of the working population.

Table 2. Private Business and Persons Employed by Size

Size by full-time equivalents	Businesses		Employed persons	
	Number	%	Number	%
SMB (up to 249)	311'707	99.6	2'327'802	66.6
Micro enterprise (up to 9)	272'346	87.1	869'206	24.9
Small business (10-49)	33'183	10.6	760'780	21.8
Medium business (50-249)	6'178	2.0	697'816	20.0
Large business (250 and over)	1'154	0.4	1'166'269	33.4
Total	312'861	100.0	3'494'071	100.0

Source: Swiss Federal Statistical Office, “Private Business and Persons Employed by Size,” <http://www.bfs.admin.ch/bfs/portal/en/index/themen/06/02/blank/key/01/groesse.html> (accessed 1 November 2013).

So Switzerland is not uniquely made of large service companies. These small and medium size companies are “mainly an industrial web made up of companies active in very various domains. Economically, it is a major asset for the country”⁴⁰ as stated by Stéphane Garelli. The author’s aim here is not to analyze the success of the Swiss economic model. It is more to demonstrate that all micro, small, medium size but also large businesses need seasoned leaders at each level, from the team leader to the Chief Executive Officer (CEO) and that the relation citizen-soldier imposed by the conscription

⁴⁰Stephanie Garelli, “Pourquoi la Suisse s’en tire mieux que les autres?” 9 May 2011, Allez Savoir, <http://www3.unil.ch/wpmu/allezsavoir/pourquoi-la-suisse-sen-tire-mieux-que-les-autres/> (accessed 1 November 2013).

offers a unique situation where one can obtain a solid leadership, as well as technical, training at a very young age. As a consequence, the Swiss economy, with its micro and small business circle (87.7 percent), obviously gets some profit from it, if you take into account the cost of training that they would have to cover or the absence of practical experience at the end of the civilian trainings.

The private economy is however, not the only one to make profit from conscription and this sort of knowledge-transfer it offers. Naturally, the armed forces largely thrives from it, as well, since it can draw nearly endlessly in the best forces of the country at the end of their basic schooling. It encompasses the theory knowledge as well as the practical know-how.

For the armed forces, the qualified manpower is also very affordable. Since the federal constitution requires men to serve, it also makes provisions for a financial compensation for the caused absence: “The Confederation shall legislate for fair compensation for loss of income.”⁴¹ The system of loss of gain allocation (APG) awards compensation—at least partial—of the gain loss to the individual, drafted for military, civil or civilian protection duties. This allocation is exclusively financed by salary contributions (0.3 percent, divided half and half between employers and employees) as well as profits of interests of the previously mentioned.⁴² In other terms, the armed forces do not actually pay their draftees by their own means. Therefore it is indeed the economy

⁴¹The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 59, para. 4.

⁴²Federal Department of the Interior FDI, Federal Social Insurance Office OFAS, “Prestations et financement des allocations pour perte de gain,” <http://www.bsv.admin.ch/themen/eo/00049/01100/index.html?lang=fr> (accessed 5 November 2013).

and the citizens who supply the price of the conscription. In fact in 2005, the yearly profits of APG attained 1,024 million of francs and its spending was 842 million francs, creating an excess of profits of 182 million francs bringing the capital APG close to 2.9 billion francs. In order to give a rough estimate, 1,024 million francs represented, in 2005, 0.21 percent of GDP.⁴³ Finally, let the author make it clear that only professional military men are paid by the confederation from the defense budget.

So, as we show in the chart below, the cost per day of service for a draftee is relatively low for the armed forces. Even more if you think that at this price (33.84 CHF, 1 CHF = 1.09605 USD)⁴⁴ the armed forces offer themselves the service of lawyers, doctors, pilots, IT engineers, university professors, etc. . . .

⁴³OECD StatExtracts, “Switzerland, GDP 2005,” http://stats.oecd.org/Index.aspx?DataSetCode=SNA_TABLE1&Lang=fr# (accessed 6 November 2013).

⁴⁴The Money Converter, “CHF to USD,” <http://themoneyconverter.com/CHF/USD.aspx> (accessed 1 November 2013).

Table 3. Cost for Military Performance

	2010	2011	2012
Cost of the day of service (in CHF)	33.89	33.55	33.84
Total cost (in million CHF)	217.0	209.0	213.6
Among which salary	55.6	55.0	61.3
Among which subsistence	63.8	60.8	60.2
Among which lodging	28.5	25.0	25.2
Among which transport	42.9	44.0	45.8
Among which contracted services	8.3	8.0	7.6
Among which compensation for crops and goods	3.2	2.9	2.2
Among which general spending	14.3	13.7	11.3

Source: Armed Forces Logistics Organization AFLO, “Cost for Military Performance,” <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/zahlen/armee.html> (accessed 5 November 2013).

Between the economy and the armed forces, the advantages of the conscription are relatively well shared and allocated in a situation we can globally qualify as “win-win.”

For the general population as well, the conscription presents advantages, particularly in a heterogeneous country such as Switzerland. We are all equals while wearing the uniform. Social differences are leveled and the opportunity to web a new network within communities of similar interests can open new doors. The fact that you serve in a different linguistic region or in a unit where the main language is not your own obviously brings more understanding in the other way of thinking of the other parts of the country as well as developing individual skills.⁴⁵ So finally, the national cohesion is the

⁴⁵Arnaud Robert, “Suisse, au rapport,” *Le Monde*, 20 September 2013, http://www.lemonde.fr/europe/article/2013/09/20/suisse-au-rapport_3481899_3214.html (accessed 6 November 2013).

winner. The conscription is not responsible for the national cohesion but it plays a role in it.

Between the draftees themselves, the report is however different as there are winners and losers. It comes from the fact that there will always be different mediums more or less simple and ethical, to avoid the draft. In fact, according to the Director, Armed Forces J1 Directorate (J1), the rate of draftee finishing the total amount of their military service is around the 50 percent range for the age class 1980-1983. This inevitably brings the question of equality of treatment regarding military obligations, even if, on a broad spectrum, 75 percent of Swiss citizens achieve their military or civil draft or their service in the protection of the population program.⁴⁶

Finally, in practical term, we can determine four types of draftees as the author has tried to illustrate in the chart on the next page.

⁴⁶Hans-Peter Walser, “Auswirkungen der Bevölkerungsentwicklung auf die Armee,” *Military Power Review der Schweizer Armee* 2 (2010): 17, http://www.vtg.admin.ch/internet/vtg/de/home/dokumentation/publik_zeitschr/military_power_revue.parsys.79525.downloadList.28145.DownloadFile.tmp/mpr210gesamtausgabe.pdf (accessed 6 November 2013).

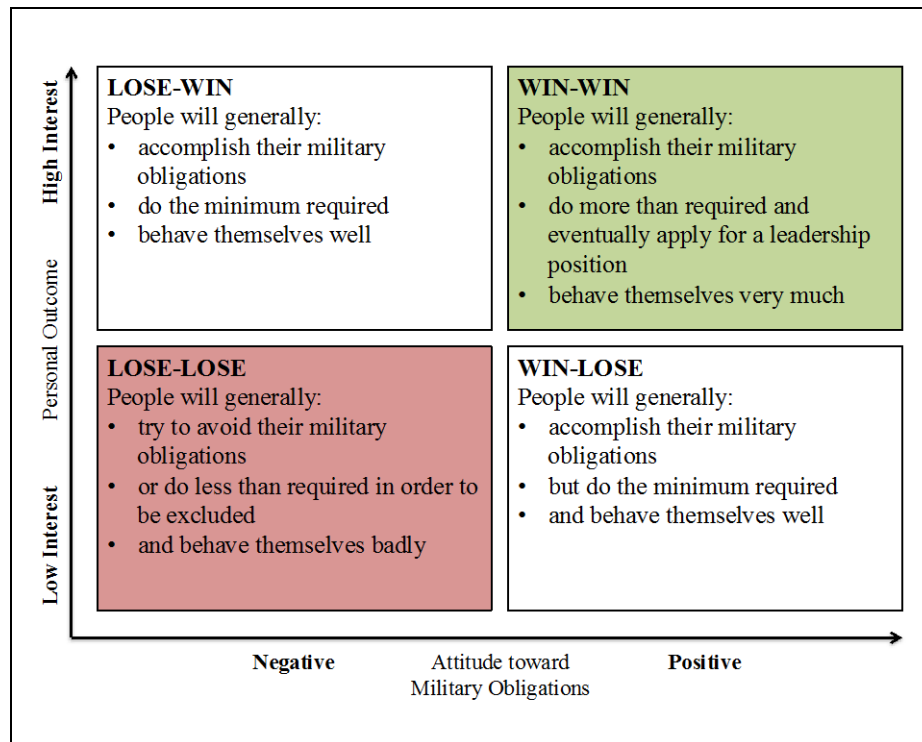


Figure 9. Draftee Typology

Source: Created by author.

Naturally, not all belong to the motivated and interested type of person, with whom it is pleasant and constructive to work. It is absolutely normal that some draftees are of the categories of less motivated by the fact they have to give up some of their freedom in order to provide a service to the community. This situation cannot be put as a credit for the conscription. However, the question to know if an all-volunteer force would be better in this situation is not pertinent to this research, since the Swiss population, as we already demonstrated, does not want it. Therefore we will not bring up this topic.

We explained the first important aspect of the Swiss Armed Forces and in short, we saw that the conscription system is a goldmine for talent, that it is affordable and it

takes advantage of the economy and vice versa, the economy takes advantage of the Armed Forces. Even if it is not the only reason, it contributes to the national cohesion and can contribute to personal development. So, individuals can take advantage of it as much as they want and can. Finally, its actual application creates inequalities regarding military obligations. The author wants now to take a look at the meaning of the militia system.

The Militia System

The Federal constitution specifies that “in principle, the armed forces shall be organized as a militia.”⁴⁷ Regarding figure 8, this system in itself opposes a permanent army or a professional army. The Swiss army is therefore a non-permanent army, which, in this study, can be compared to the American National Guard.⁴⁸

Scholars obviously describe the militia system more accurately. Svircsev Tresch gives a rather exhaustive definition: “The militia armed forces can be composed of a non-permanent military force, which are strengthened in peacetime only by short-term training with professional squads by timely and repetitive exercises.”⁴⁹ This characteristic counterbalances the missing presence and the staggered duties of the militia. At the same time the militia armed forces works exclusively to defend the territory of one's own

⁴⁷The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 58.

⁴⁸Haltiner, 11.

⁴⁹Johann Culik, “Milizsysteme. Ein Vergleich der Systeme der Schweiz, Schwedens, Finnlands und Österreichs,” *Osterreichische Militarzeitschrift*, OEMZ 17, no. 6 (1979): 461-470, in Tibor Szvircsev Tresch. *Europas Streitkräfte im Wandel: Von der Wehrpflichtarmee zur Freiwilligenstreitkraft, Eine empirische Untersuchung europäischer Streitkräfte 1975 bis 2003* (Ph.D. dissertation, Universität Zürich, Zürich, Switzerland, 2005), 22.

country.⁵⁰ Differences in battle can be distinguished between an activated militia battle force and a voluntary militia armed forces.”⁵¹

Figure 10 basically illustrates that military men with enlisted ranks⁵² achieve during the length of their obligation to serve in the armed forces, a maximum of three days of recruiting, as well as 145 days of schooling and 6 repeating sessions of 19 days each or 124 days of recruiting school and another seven sessions of 19 days each. This example can be applied by analogy to the ranks of NCOs and officers in supplement obviously to graduate the necessary schools.⁵³

⁵⁰Paul Klein, “Begriffswelt: Wehrpflicht, Miliz, Massenheer, Freiwilligenarmee, stehendes Heer u.a.m,” in Karl W. Haltiner and Andreas Kuhner, *Wehrpflicht und Miliz – Ende einer Epoche? Der europäische Streitkraftewandel und die Schweizer Miliz* (Baden, Baden: Nomos Verlagsgesellschaft, 1999), in Tibor Szvircsev Tresch. *Europas Streitkräfte im Wandel: Von der Wehrpflichtarmee zur Freiwilligenstreitkraft, Eine empirische Untersuchung europäischer Streitkräfte 1975 bis 2003* (Ph.D. dissertation, Universität Zürich, Zürich, Switzerland, 2005), 22.

⁵¹Tresch, 22.

⁵²E1-E3 in the US Army.

⁵³The Swiss Federal Council, *Ordonnance concernant les obligations militaires (OOMi)*, 19 novembre 2003 (Etat le 1er octobre 2013), <http://www.admin.ch/opc/fr/classified-compilation/20021825/201310010000/512.21.pdf> (accessed 7 November 2013), art. 13.

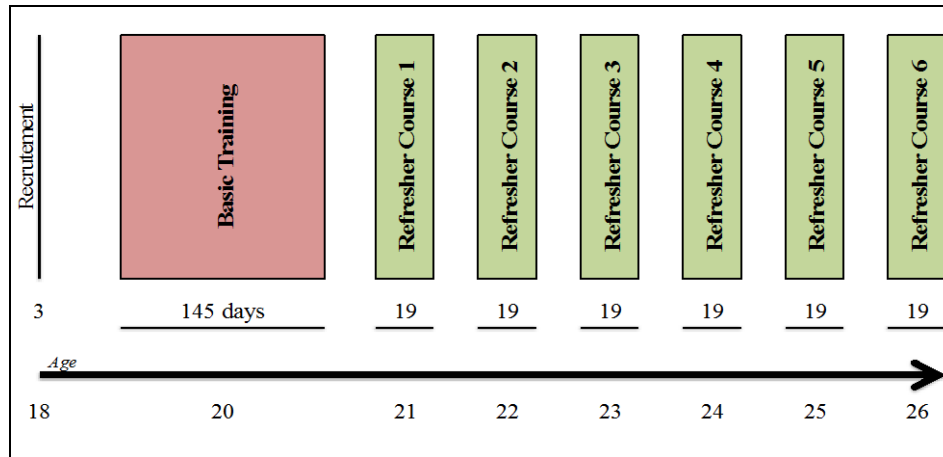


Figure 10. Visual Representation of the Total Length of Military Obligations for a Soldier according to a Standard Carrier

Source: Created by author.

The total length of service is then simply longer. It is calculated in days of service or by an age limit. Legally, the individuals obligated to military service are drafted in the year of their 18th birthday. Generically, military obligations stop: (1) for enlisted soldiers and NCOs at the end of the year of their 30th birthday; (2) for field grade NCOs, at the latest at the end of the year of their 36th birthday; (3) for junior officers, at the latest at the end of the year of their 36th birthday; (4) for captains, at the latest at the end of the year of their 42nd birthday; and (5) for field grade officers and general officers, at the latest at the end of the year of their 50th birthday.⁵⁴ Figure 10 represents in a generic and visual manner the total length of military obligations for soldiers.

The training of the draftees is broken down this way: in the 7 first weeks, the draftees receive a general basic training (IBG). In this module, the draftee learns his job

⁵⁴The Federal Assembly of the Swiss Confederation, *LAAM*, art. 7, art. 13.

as a soldier. The second module, a six-week course, is dedicated to function specific basic training (IBF). The draftee then learns his specific job according his branch. It is during the third phase, the one of unit training (IFO 1), that the unit will be formed, up to the echelon of a battalion. The man becomes consecutively a general soldier, specialized soldier, and then he holds a position in a unit as a contribution within a tactical performance.

The basic training school's goal is to obtain for the first time the "ground readiness."⁵⁵ It is defined as being: "a level in the armed forces which needs to be obtained and maintained permanently as far as direction capabilities, training and ability availabilities are concerned independently of the specific mission."⁵⁶ The above-mentioned maintenance is carried out logically in repetitive training sessions or refresher courses. All units in the Swiss armed forces are not activated at the same time though. The system of staggered availabilities allows the armed forces management to commit trainings and the needed material, installations and networks depending on the situation and in a timely manner.

⁵⁵*Disponibilité de base* in French, *Grundbereitschaft* in German.

⁵⁶Armée Suisse, Règlement 51.020, *Conduite tactique XXI*, 2004, <http://www.vtg.admin.ch/internet/vtg/fr/home/dokumentation/fuhrungsreglemente/taktische.parsys.16551.downloadList.83962.DownloadFile.tmp/51020f.pdf> (accessed 07 November 2013), 17.

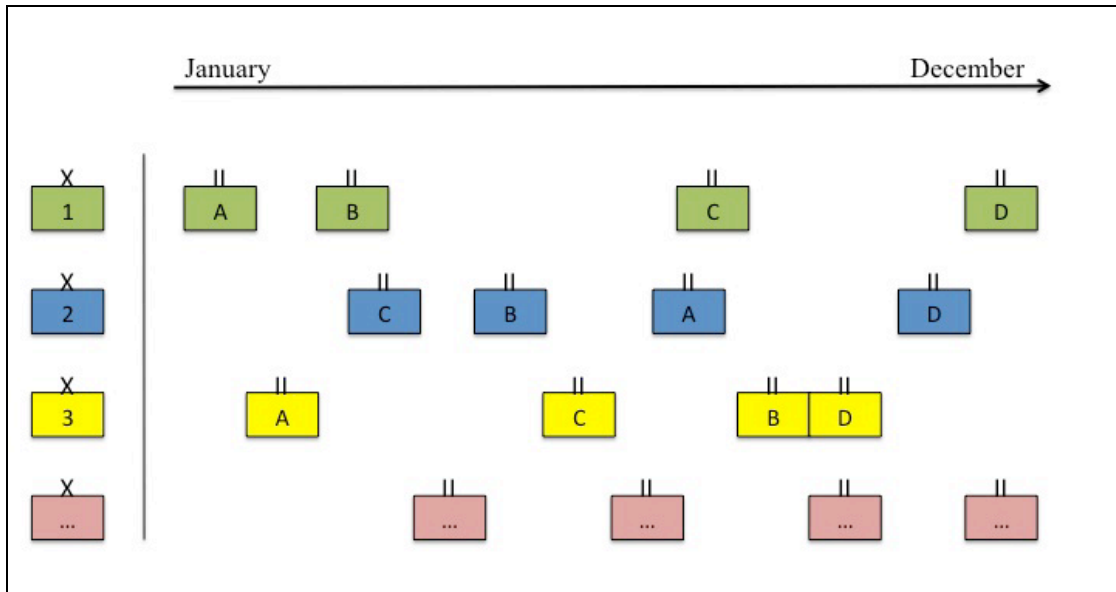


Figure 11. Graphic Representation of the Troop Presence during the Year

Source: Created by author. Each battalion pictogram symbolizes a 19-day refresher course slot.

The first advantage of the militia system is therefore its flexibility. As presented on the figure above, it allows the armed forces high command to have troops uniquely when the need exist. It also allows the battalion commander to maintain a relatively high intensity of work during the very short period of time, since the refresher course lasts 19 days only. Where as, a permanent troop must find a balance out of intense phases throughout the year. The militia system weighs in the advantages and drawbacks of armed forces which manpower is generated by the conscription.

We previously saw that the conscription allows the armed forces to fish for talent at the end of their basic formation. The militia system allows keeping these talents longer. Each year during their military service these talented individuals bring with them their new civilian experience as well, making their military unit evolve with them. This

experience can be technical, directional, or a combination of the two. It is a two Way Street as the private industry benefits from the experience acquired in the military.

Life experience also plays a very important role. A 26 or 30-year-old soldier does not behave like his 19-20 year old peer. This fact exists in all functions and contributes to what the author calls auto-regulation. The more experienced soldiers then manage the beginners in all fields of military life, not to mention discipline. An experienced—hence respected—soldier will not shy away from expressing his opinion to an inexperienced company commander. Auto-regulation is horizontal as well as vertical. It obviously also exists in permanent armies.

The militia system also presents weaknesses. As a matter of fact, maintaining a sufficient level of readiness and versatility throughout a non-permanent force carries an annual cost that the armed forces are not, one more time, the only one to support. In order to explain the cost the author uses a study requested by the Secretary of Defense. So the annual amount of the global spending reaches 6.2—6.4 billion CHF and is sectioned this following way: (1) 4.3 billion CHF in budget spending for the national military defense; (this amount is the armed forces defense spending budget cap); (2) 1.0—1.1 billion CHF for the public additional spending (especially the rent and mortgage to armasuisse Real Estate,⁵⁷ the cost of military insurance, the military cost of the municipalities and

⁵⁷Armasuisse Real Estate, the center of competence for real estate within the DDPS, is responsible for the overall management of 24,000 hectares of property as well as more than 14,000 buildings and facilities for the Federal Department of Defense, Civil Protection and Sport DDPS. Within the wide-ranging portfolio armasuisse Real Estate is responsible for implementing and planning existing and future customer needs, the management of objects in military use, the realization of new developments and reconstructions, and for the sale and liquidation of infrastructure that is no longer needed. Federal Department of Defense, Civil Protection and Sport, “armasuisse Real Estate,”

cantons); and (3) 0.9—1.0 billion CHF in spending to private sectors (public allocation for gain loss and continuation of salary). To add to these, the economic cost in the form of loss of the added value caused by the leave of absence adds an amount of 0.8 to 1.0 billion CHF.⁵⁸ The economic charge then reaches 0.7 to 2.0 billion CHF. Comparing it to the 591,851 billion of the Swiss GDP in 2012,⁵⁹ it represents then a maximum of 0.33 percent, 1.08 percent if we take into account the 6.4 billion of global spending and 0.72 percent if we only taking into account the defense effective budget. This calculation confirms the numbers advanced by The Stockholm International Peace Research Institute (SIPRI) stating 0.8 percent.⁶⁰

Even if the global bill of 6.4 billion CHF, cited above is disputed, and even brought to 8.3 billion CHF,⁶¹ or even 8.9 billion CHF,⁶² the author wants to actually

<http://www.ar.admin.ch/internet/armasuisse/en/home/themen/Immobilien.html> (accessed 1 November 2013).

⁵⁸Commission de milice du chef DDPS, *L'importance de l'armée pour la Suisse, une analyse économique globale en termes d'utilité et de coûts*, August 2012, <http://www.news.admin.ch/NSBSubscriber/message/attachments/27798.pdf> (accessed 1 November 2013), 3.

⁵⁹Swiss Federal Statistical Office, "Gross Domestic Product—Data, indicators," 2013, http://www.bfs.admin.ch/bfs/portal/fr/index/themen/04/02/01/key/bip_nach_einkommensarten.html (accessed 1 November 2013).

⁶⁰Stockholm International Peace Research Institute, "SIPREX Milex Data," http://www.sipri.org/research/armaments/milex/milex_database/milexdata1988-2012v2.xls/view (accessed 1 November 2013).

⁶¹Reiner Eichenberger, "Die ideale Armee für die Schweiz: Die Freiwillige Miliz," *Rote Revue, Zeitschrift für Politik, Wirtschaft und Kultur*, 2009, http://www.sp-ps.ch/ger/content/download/18191/227328/file/RoteRevue_2009_1.pdf (accessed 7 November 2013), 14.

⁶²*Ibid.*, 4.

demonstrate that, as well as the conscription, the militia system brings collateral cost, specifically caused by leaves of absence and the consequences are taken by private companies.

The application of the militia system brings a certain number of logistical challenges. For example, at the end of the training sessions, the equipment and infrastructures need to be refurbished in order to transfer them to another unit. For financial reasons, Switzerland abandoned completely equipping all units. The available equipment is therefore more pressed into service, which brings the exploitation cost higher. The high demand periods are also difficult to manage, when it comes to available equipment but also to the manpower of the armed forces logistic centers. As the training sessions are short (three weeks), the intensity is high and equipment goes through rough conditions. For the Armed Forces Logistics Organization (AFLO), the militia system is therefore more complex than the one presented by permanent armed forces.

In short, we saw that the militia system is flexible. It allows having necessary force in a timely manner with the desired qualification. The militia system allows a skill exchange between the civilian and military world, each gaining the experience acquired in the other. The militia system has a price that is endured mainly by the economy.

Finally the militia system is heavy for the logistic apparatus.

Secretary of Defense Ueli Maurer presented the obligation to serve as “the best model for the armed forces and security of Switzerland. Questions about national security

and political considerations are the principal arguments of the Federal Council.”⁶³ Now that the reader has understood the evolution that Switzerland has gone through in the recent years, the decisions that the population has taken and how the Swiss armed forces function, the author offers to explore in more details the political considerations and the debated questions of national security.

The debate is actually necessary. In fact, the last report on Switzerland security policy dates back to 2000 (2000 RAPOLSEC). Since then, critical events in security policy happened. The author clearly alludes mainly to the terrorist threats⁶⁴ materialized by the 11 September 2001 attacks. As a consequence, in 2008, the Federal Council decided to draw up a new report on security policy (2010 RAPOLSEC). In June 2010, the new report was approved, and then the Chambers took knowledge of it end of 2010, beginning 2011. The author will obviously speak of this report in the next chapter but, to give a hint of it, the new report describes the evolution the security policy went through during the past 10 years and analyzes the Swiss situation in this particular context. This report brought to life another one, the 2010 report on the armed forces, a document meant to push forward a political debate about the development of the armed forces (DEVA) to be taken place in the second part of our decade, thus starting in 2016.⁶⁵

⁶³“Es gibt kein Land mit einer Freiwilligenmiliz,” *Tages Anzeiger*, 16 August 2013, <http://www.tagesanzeiger.ch/schweiz/standard/Es-gibt-kein-Land-mit-einer-Freiwilligenmiliz/story/31539904> (accessed 7 November 2013).

⁶⁴Bruce Hoffman, *Inside Terrorism* (New York, NY: Columbia University Press, 2006), 256.

⁶⁵The current order of battle is valid from 1 January 2004 and holds the common name of *Armée XXI*. This model underwent a developing stage called 08/11. Switzerland has previously known the following Orders of Battle: *Armée 95*, *Armée 61*, *Armée 51* et

Conclusions

In the first part of chapter 1, the author described, with the help of four representative themes, the changes that affected Switzerland in the past decades. Thus: (1) the meaning of neutrality and its recognition evolved parallel to the threat evolution and its agents; (2) mobility needs to assured where yesterday axis needed to blocked; (3) the militia system is anchored in the Swiss genes; and (4) Switzerland transformed in a relatively anonymous large urban space, but very interconnected and fragile as well.

In the second part of the chapter, the author described the Swiss Armed Forces in terms of conscription and militia system. The conscription system is a goldmine for talent, that it is affordable. It takes advantage of the economy and vice versa, the economy takes advantage of the Armed Forces. Even if it is obviously not the only reason, it contributes to the national cohesion and can contribute to personal development. Individuals can take advantage of it as much as they want and can. Its actual application though, creates inequalities regarding military obligations. The militia system is flexible. It allows having necessary force in a timely manner with the desired qualification. The militia system allows a skill exchange between the civilian and military world, each gaining the experience acquired in the other. The militia system has a price that is endured mainly by the economy. Finally the militia system is heavy for the logistic apparatus.

The next chapter will review the literature on this topic and provide an assessment of the significance of the material to this study. It will be followed in the third chapter by

Armée 11. The project called Development of the armed forces (DEVA) draws the contours of the Swiss Army starting on 2016.

an explanation of the methodology and then subsequent chapters examining each issue in details.

CHAPTER 2

LITERATURE REVIEW

In the name of Almighty God!
The Swiss People and the Cantons,
Mindful of their responsibility towards creation,
Resolved to renew their alliance so as to strengthen liberty, democracy,
independence and peace in a spirit of solidarity and openness towards the world,
Determined to live together with mutual consideration and respect for their
diversity,
Conscious of their common achievements and their responsibility towards future
generations,
And in the knowledge that only those who use their freedom remain free, and that
the strength of a people is measured by the well-being of its weakest members;
Adopt the following Constitution (...)
— Federal Authorities of the Swiss Confederation,
“Federal Constitution of the Swiss Confederation”

Introduction

The Swiss confederation is a constitutional state in which the Armed Forces answer to the political power. Among the specificities of the Swiss rule of law, the author can bring forward among others a three-stage federalism—confederation, cantons, municipalities, each level having a certain degree of autonomy and proper competences (legislative, law enforcement, etc. . . .). The author also needs to note direct democracy, at each three levels with popular rights to launch initiatives and to demand a referendum. In other terms, the law is not written to all eternity and can be changed if there is a desire from the sovereign’s will. This aspect is important at this stage because it will allow a less narrow analysis in the fourth chapter.

The 1999 Federal Constitution (Cst) is therefore the main document from which laws, decrees and edicts are written. Following the Hierarchy of legal norms, the author

will endeavor to describe them relying on legal opinions or academic works. The aim of this part of our study is to generate a framework in order to think clearly during this research and to determine the focus of future consideration, such as the limits of the obligation to serve, the inequality concerning military obligations and the threats. The author needs to dig into these questions, confront opinions and demonstrate the potential consequences. With a more philosophical point of view, the author ponders for example on the interpretation of the Preamble to the Federal Constitution. He wonders where the limits, imposed by the international law, to the conscription stand. The Confederation constitutionally imposed upon herself as an aim to: (1) “Protect the freedom and right of the people and assure the independence and security of the country; to (2) make . . . the internal cohesion and the cultural diversity of the country a priority; and (3) to assure an equality of chances as wide as possible.”⁶⁶ How it fulfills its aim and where does it specifically still have some wiggle room are two topics that interest the author.

The author will then approach researches, academic and scientific schools of thoughts on the matter. Since the debate is essentially political, he will take an interest in the official positions of the various governmental political parties.

Finally, he will not forget to study the public opinion, by groups or individually. Public opinion is important in Switzerland since citizens can be, in a fast and easy manner, called to vote to confirm or dismiss a political decision.⁶⁷

⁶⁶The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 2.

⁶⁷The Constitution of the Swiss Confederation, art. 136 says: “All Swiss citizens over the age of eighteen, unless they lack legal capacity due to mental illness or mental incapacity, have political rights in federal matters. All citizens have the same political rights and duties. They may participate in elections to the National Council and in federal

Before tackling the literature review, the author wishes to bring up a note as useful as it is important. In Switzerland, when we speak of militia, we also think a lot of conscription and vice-versa. The author made a special effort to clarify in the first chapter the two very distinctive notions. In the literature however and especially in the non-academic sources, the author noted that the confusion sometime exists. He asks therefore the reader to make a clear distinction if the term is used in the meaning of manning the troops or by its degree of permanence.

Legal Context and Considerations

Now that this precision has been made, the author commits to a focused reading analysis of the Federal Constitution of the Swiss Confederation of 18 April 1999, while keeping in mind that this document can be changed (amended).⁶⁸

The First title brings up some dispositions qualified as being general. Some notions are important as we see in article (art) 1 Cst, which defines the Swiss confederation, creating a link between the People and the Territory. Later, the author will study the population and their territory, two notions that are of the utmost importance as far as Defense is concerned. Then, in art 2 Cst, the aims that the author previously mentioned follows. The author is struck by the terms protect, laws, independence and security as well as to favor, internal cohesion cultural diversity as well as equality of chances. The art 5 Cst gives some precision especially in that “the law is the base and the

popular votes, and launch or sign popular initiatives and requests for referendums in federal matters.”

⁶⁸The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 140.

limit of the activity of the State” and that “the Confederation and the cantons must follow the international rule of law.” The flexibility of the confederation is therefore limited by international law. Finally the art 6 Cst, mentioning individual and social responsibility, states that “all individuals are self-responsible and contribute, according to his or her strength, to the completion of tasks for the State and Society.” State and society have tasks that the author will describe later and to which all individuals are supposed to bring their contribution.

Fundamental Rights, citizenship and social aims are treated in Title 2 and art. 8 Cst brings the reader directly in the heart of the topic:

Every person is equal before the law. No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability. Men and women have equal rights. The law shall ensure their equality, both in law and in practice, most particularly in the family, in education, and in the workplace. Men and women have the right to equal pay for work of equal value. The law shall provide for the elimination of inequalities that affect persons with disabilities.

As far as the author is concerned, in clearly stating that “every Swiss man is required to do military service” and “military service is voluntary for Swiss women,” art 59 Cst is in contradiction with art 8. Did some reasoning from realpolitik push to such contradiction? The author did not find any proof. Nevertheless only a “Swiss man who does not do military or alternative service is liable to pay a tax.” There is no mention of women on that topic. Finally, art. 35 Cst give this precision: “Fundamental rights must be upheld throughout the legal system. Whoever acts on behalf of the state is bound by fundamental rights and is under a duty to contribute to their implementation.” Speaking of military obligations, the LAAM however clears it up in art. 2 by “all Swiss are constrained to military service,” then in art 3 that “all Swiss women can volunteer to

fulfill a military service,” but that “she has the same rights and the same duties than male military members.” Art. 4 adds that “in time of peace, Foreign bound Swiss are exempt from military service recruitment. The federal Council can plan exceptions, in particular for the Foreign bound Swiss who are permanent resident of neighboring states.” Even the Swiss permanent residents are not equal when it comes to military obligations. As they are exempt, they do not pay the replacement tax either, which position them in an awkward position with their fellow citizens.

So discrimination between men and women exists at the highest level of the law. The author breaks away from the Cst for a few moments. Because on this very topic, Dr Sibilla Bondolfi actually wonders if the limitation of the obligation to serve is still admissible from the point of view of legal policy.⁶⁹ Historically, this limitation made to men for military obligation was caused by the fact that women did not have political rights. This argument was actually used to not give them this very right or to justify higher wages for men. However according to her, women fought in the entire world side by side with men as female combatant, partisans, guerilla warriors, or terrorists. Women also committed as non-combatant components such as nurses, secretaries or weapon factory workers, especially in the restriction eras (*Notzeiten*).⁷⁰

The example of World War II is most eloquent in this matter. In the United States of American, young women were constrained to a civilian service or at times military. In

⁶⁹Sibilla Bondolfi, “Wehrpflicht und Geschlecht,” *Military Power Review der Schweizer Armee* 1 (2012): 42, http://www.vtg.admin.ch/internet/vtg/en/home/dokumentation/publik_zeitschr/military_power_revue.parsys.79525.downloadList.73280.DownloadFile.tmp/def22.5.2012mpr112alles.pdf (accessed 11 November 2013).

⁷⁰*Ibid.*

Switzerland, women were constrained to a service of population protection (*Luftschutzdienst* at that time) by an emergency decision of the Federal Council as early as 1934. Bondolfi brings this precision by stating the art 202 of the military organization (*Militärorganisation*).⁷¹ Thus, if Switzerland had been attacked, “all Swiss” (*alle Schweizer*), therefore women included, were constrained to defend their country. For Bondolfi, such a norm at the Federal echelon does not exist anymore. Only a few cantons require women to serve in case of a catastrophe.⁷²

Women then had to fight to be able to partake in military tasks. For example, it is only with the *Armée XXI* reform that, in 2004, all military functions were opened to female citizens.

Bondolfi also mentions in her article the obligations to serve and the equality of gender by the current Swiss Law.⁷³ In fact, she brings up that, according to art 1 of the law on civil service, “individuals constrained to military service who can not reconcile this service with their conscience achieve by request a civil service, as substitute, of a greater length following the current law.”⁷⁴ Men and women unfit for military service cannot accomplish a civil service, even if this last one requires very low physical activities. Women, according to current law, are actually not allowed to fulfill civil service since they are not constrained and there are no legal ground for a voluntary civil

⁷¹Former version of the LAAM.

⁷²Bondolfi, 42.

⁷³Ibid., 45.

⁷⁴The Federal Assembly of the Swiss Confederation, “Loi fédérale sur le service civil (LSC) du 6 octobre 1995 (Etat le 1er janvier 2013),” <http://www.admin.ch/opc/fr/classified-compilation/19950281/index.html> (accessed 11 November 2013), art. 1.

service. The same situation is valid for the civil protection: “ it may declare civil defense service to be compulsory for men. For women, such service is voluntary.”⁷⁵

A little later, Bondolfi writes that military obligations currently represent a constraint for men. They are an obstacle to surmount during schooling, professional and personal life. The military draft does not only represent an additional physical and psychological charge or a hindrance to fundamental rights, but it is also a disadvantage during application process for unemployment insurance, or a part time job or in education tasks (*Betreuungspflichten*). If women are not directly discriminated upon because they do not have to serve, they actually are indirectly, because it enforces them to not volunteer for such a service. Bondolfi adds that the fact that women are not trained in military and protection duties could even be counterproductive in case of a catastrophe or during a conflict, even putting them and others in danger.⁷⁶

The limitation to men of the obligation to serve also represents drawbacks by the rule of law as well as in legal equality policy matters. Bondolfi is alluding obviously to art 8 Cst. However in this effect, the federal court of justice pretends that the obligation to serve for men constitutes a law of exception (*lex specialis*) to the discrimination ban. According to her this is a deceptive argument, since even if it was the case, the discrimination ban is anchored in the international law. Article 14 of the European Convention on Human Rights says: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex,

⁷⁵The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 61.

⁷⁶Bondolfi, 45.

race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”⁷⁷ Some arguments would then be in favor of a harmonization of military obligations as far as gender is concerned. Specifically, it would be less about extending the military obligations to women but rather about the introduction of a more general obligation to serve in the framework of a defense thought process in a more global manner.⁷⁸

The fact that men and women are physiologically or biologically different often played in the disfavor of women and military service. In 2009, the federal court of justice was still convinced of it, the same way that the Israeli writer opines that women are not physically fit for the requirements of a military draft.⁷⁹ The new form of threats however, from their detection to their eradication, requires new skills often very distinct from physical abilities.

Be that as it may, Bondolfi follows her analysis with the results of various polls showing that on a broader spectrum, less than 30 percent of the persons asked are in favor of including women in military obligations. Regarding of knowing people’s opinion as to whether “women must fulfill a military draft or a civil service just like men,” 54 percent answered no, 18 percent were without an opinion and only 29 percent said yes. In 2011, a poll showed that only 25 percent of the people asked were in favor of the introduction of a general obligation to serve, giving a choice between military or civil service as well as a

⁷⁷European Court of Human Rights, Council of Europe, *European Convention on Human Rights*, 1 June 2010, http://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed 11 November 2013), art. 14.

⁷⁸Bondolfi, 47.

⁷⁹*Ibid.*

social service. Bondolfi summarizes the situation with these words: “an obligation to serve—military or civil—for women seems to be politically difficult to apply. On a legal point of view however it does not give any doubt.”⁸⁰

Bondolfi brings up another interesting point. Since nowadays more than half of the drafted fulfill a civil service or pay the exemption tax, it could become an argument to widen the obligation as to whether women must serve, and even if aptitude quotas could be reviewed to a lesser degree in broad terms. Since the unfit women would also pay the exemption tax or fulfill a civil service, the ratio between the revenue and spending would not be totally disproportionate.⁸¹

Summarizing her opinion, Bondolfi specifies that “legally, no argument can be found to justify in a convincing manner the fact that only men are the only ones constrained to military obligations.” Similarly, “there are no current legitimate arguments allowing women exclusion to the obligation to serve within the population protection (*Zivildienstpflicht*).”⁸² She even notes that, according to art. 61 Cst which stipulates that “it [The Federal Council] may declare civil defense service to be compulsory for men. For women, such service is voluntary,”⁸³ foreigners could be called to serve in the civil protection (of the population). A modification to the Cst, broadening

⁸⁰Bondolfi, 49.

⁸¹*Ibid.*, 50.

⁸²*Ibid.*

⁸³The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 61.

the obligation to serve the population protection to women is, according to Bondolfi, desirable on a legal point of view.⁸⁴

As a conclusion, Bondolfi asserts that there are several ways to re-establish the gender equality when it comes to the obligation to serve. One way is the one offered by the GSsA in its initiative for the abolition of military obligations. The reader knows that the people refused it massively. Therefore, the question that is raised is rather the one to know how the gender equality will materialize taking into account that the obligation to serve is maintained for men and, foremost, if military obligation should be broaden to women. This idea is plausible in Bondolfi opinion, as shown by the Israeli system, but she points out that such an idea will struggle to win the popular vote. With this perspective, highlighting the poll results, Bondolfi pretends that the introduction to a general obligation to serve for men and women would be more likely to be successful. More than half of the people questioned showed some interest.⁸⁵

By taking the shortcuts offered by Bondolfi, the author wished to explore the equality for military obligations question raised by the Cst while relying on a scientific research. It is actually very striking that the Swiss literature on this topic is very rare, Bondolfi being nearly the only thematic expert. She also wishes to poll the legal possibility—as opposed to the political one—of extending the conscription to women and foreigners. According to her it is actually desirable. In that perspective, the conscription (however limited) applied to women as well as foreigners is constitutionally legal.

⁸⁴Bondolfi, 51.

⁸⁵Ibid.

The author now comes back to the Cst, the document he started with. At the end of the chapter treating fundamental rights, art 36 Cst states that these can be restricted, therefore giving it a legal base.

Restrictions on fundamental rights must have a legal basis. Significant restrictions must have their basis in a federal act. The foregoing does not apply in cases of serious and immediate danger where no other course of action is possible. Restrictions on fundamental rights must be justified in the public interest or for the protection of the fundamental rights of others. Any restrictions on fundamental rights must be proportionate. The essence of fundamental rights is sacrosanct.⁸⁶

On this topic, art. 28 LAAM therefore assures the respect of fundamental rights by stipulating that “while performing their draft obligation, military men enjoy the same constitutional and legal rights as they do in their civilian life. Some restrictions are admissible only in the case they are required by the instruction or the specific mission.”⁸⁷ This justifies this way a restriction made in art 10 Cst, dealing with the right to life and personal freedom: “every person has the right to personal liberty and in particular to physical and mental integrity and to freedom of movement.” The argument, raised by Eichenberger, that the conscription is anti-liberal because it drastically narrows fundamental rights⁸⁸ can therefore perhaps be received in a philosophical manner but not legally.

⁸⁶The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 36.

⁸⁷The Federal Assembly of the Swiss Confederation, *LAAM*, art 28.

⁸⁸Reiner Eicheberger, “Armee und Wehrpflicht aus liberaler Optik, Ein Gesprächskreis über die Vor- und Nachteile der freiwilligen Miliz mit Reiner Eichenberger,” Liberal Institute, 2009, <http://www.libinst.ch/?i=armee-und-wehrpflicht-aus-liberaler-optik--en> (accessed 12 November 2013).

The Third Title tackles the relationship between Confederation and Cantons as well as the powers of the Confederation, especially in chapter 2 while approaching Security, National Defense and Civil Defense. This piece of information given by the author moves on, by a second intellectual shortcut, to a legal opinion ordered by the minister of the defense within the DEVA project. This opinion deals with the requirements of the Swiss constitution and international law when it comes to the competence of defense of the armed forces and their performance profile. He also takes on another aspect about the obligation to serve.⁸⁹ This legal opinion offers the advantage to tackle the third title of the Swiss Cst and the International Law in its integrity in a targeted manner, but also to present a good introduction to the 2010 Report on security policy (2010 RAPOLSEC) and the 2010 Report on the armed forces.

The Federal Council having ordered the DDPS to clarify this, in the 2010 Report on the armed forces, on the “economical possibilities in order to not overpass the amount of 4.4 billion Swiss francs,”⁹⁰ the main question of the legal opinion is to demonstrate “until which point the competence of defense can be reduced without contravening the

⁸⁹Rainer J. Schweizer, *Gutachten zu den verfassungs- und völkerrechtlichen Anforderungen and die Verteidigungskompetenz der Armee und das zukünftige Leistungsprofil sowie zu ausgewählten Fragen der Militärdienstpflicht*. Universität St. Gallen, 23 August 2013 (mit minimalen Ergänzungen vom 8. Oktober 2010), <http://www.vbs.admin.ch/internet/vbs/de/home/documentation/bases/verteidigung.parsys.7419.downloadList.83384.DownloadFile.tmp/101008gutachtenarmee.pdf> (accessed 8 November 2013), 8.

⁹⁰Conseil fédéral Suisse, *Rapport sur l'armée 2010*, 1 October 2010, <http://www.vbs.admin.ch/internet/vbs/fr/home/themen/defence/armeebericht/dokumente.parsys.39200.downloadList.11479.DownloadFile.tmp/armeeberichtf.pdf> (accessed 8 November 2013), 2.

constitution.”⁹¹ The author will draw from this legal opinion several trains of thoughts. As a side note however, he also deduces that for the Federal Council, the threat is not initially taken into account and that the price of the military apparatus has arbitrarily set a spending ceiling (4.4 billion). This way of thinking offers theoretically a different logic from the one used by the author, which should set the price according to the threat and not the opposite.

In that perspective, the Cst states in art 58, paragraph (para) 2 that “the armed forces serve to prevent war and to maintain peace; they defend the country and its population.” The underlying question for Schweizer is therefore to know what the constitution currently requires from the competence of defense. He stipulates that the possibility to prevent, contain or even conduct a military conflict is not directly dealt with by the Cst but rather by the United Nations’ Charter: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”⁹² The Charter also defines the protection of human rights and the humanitarian international law. As “the Confederation and the Cantons shall respect international law,”⁹³ it is then to the norms of international law, in addition to the requirements of the Cst, that the Swiss armed forces defense skillset must conform to.⁹⁴

⁹¹Schweizer, 8.

⁹²United Nations, *Charter of the United Nations*, <http://www.un.org/en/documents/charter/index.shtml> (accessed 10 November 2013), art. 2, para. 4.

⁹³The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 5, para. 4.

⁹⁴Schweizer, 19.

Therefore the author will have to keep in mind, in his later analysis, the elements of the International Law. The maintenance of a defense minimal core is therefore an imperative in order to keep a minimal level of security. We still have to define the notions of security and defense in the manner they are understood by the Cst.

For Schweizer who quotes Mohler, the term “security” is understood by the Cst, but also in the United Nations’ Charter or in the Human Right Pacts, as a goal, a target, which we can describe as being: (1) the integral protection of the country on a territory stand point such as the vital area including infrastructures as well as private properties, and on the institutions against intensions, respectively violent or criminal acts or technological or natural dangers; (2) the preservation and the application of individual or collective fundamental rights such as the self-defense right and to the protection by; (3) preventive arrangements such as situational measures for danger prevention and or fight against danger at a state echelon.⁹⁵ The term security therefore offers a defensive character and this definition “ clearly shows that the territory and population security required by the Cst must concentrate on the various dangers, threats, risks and harms for the state and society on one hand and on the other it must answer to all requirements set by the international and constitutional laws, both making provisions for diverse obligations of prevention, defense, and protection aiming to protect the peaceful international order, but also by fundamental rights.”⁹⁶

Schweizer adds that the defense of the country and the population by Armed Forces is a key element to the Swiss Security Chart. It deals with protecting the

⁹⁵Schweizer, 23.

⁹⁶Ibid., 24.

population from the horrors and destructions resulting from armed conflicts but also to protect the presence and the auto-determination of the national community by all means necessary, as well as the ultimate price of one's life. The defense mission given by the Constitution includes the defense against aggressors and other forms of state control hostilities as well as against violent and criminal acts or terrorist organizations.⁹⁷ Non-lethal threat finds a spot in the debate. Therefore, the author deduces from it that a non-lethal state control (or not) threat could potentially threaten the presence or the auto-determination of Switzerland and its citizens.

The protection of the population and of the territory therefore stays a restricting mission for the Swiss armed forces. If, according to Schweizer, the constitutional mission of the defense targets principally on external threat, he also adds that other organs of security from the cantons and confederations, able to fight must be associated with this mission even though they are declared as armed forces by the international law as non-military organizations such as the protection of the population or the economic supplying of the country.⁹⁸ In light of these remarks, the author realizes that the notion of territorial defense is a multidimensional notion and it also includes some partners which can be qualified as "non-lethal." The armed forces are not the only contributors to the national defense or to emergency situations. Thus, we can deduct that it is in theory and legally possible to contribute to the national security without having to explicitly serve in the armed forces. The author sees conscience objectors as examples of this.

⁹⁷Schweizer, 23.

⁹⁸Ibid., 20.

It clearly appears to Schweizer that the Swiss armed forces competence of defense must be adapted to the foreseeable threats and that this competence must consider preventive measures as well as reactive ones. The dangers against which we must protect ourselves have changed. It currently encompasses threat, which goes largely beyond the frame of a hegemonic policy (*Machtpolitik*), therefore beyond military attack threats. Terrorist threat, organized crime or electronic or chemical warfare must now be met with their proper reply. In this environment, we need to regularly ask ourselves if we know, at an international scale, the possible threats capable to cause a large number of human deaths, but also threats to the auto determination and the integrity of the country and/or the national community on a legal, state, economic or technical ground.⁹⁹ The answer given must obviously take the international law into account.

In the framework of the current study, Schweizer brings up the tendency for the armed forces to have more police tasks, especially in an assistance role. As far he is concerned, this new orientation does not require a change in the Cst as long as the subsidiary and constitutional missions towards the cantons are respected. However, Schweizer points out that an extended engagement of draftee for non-military tasks can be considered as a violation of human rights referring to forced labor protection.¹⁰⁰ The draftees' tasks have to be linked to National Defense. The obligation to serve must profit mainly the National Defense, the country law enforcement, as well as the undertaking of various extraordinary situations.¹⁰¹ This position relies on the art. 58, al 2: "the armed

⁹⁹Schweizer, 44.

¹⁰⁰Ibid., 11.

¹⁰¹Ibid., 87.

forces serve to prevent war and to maintain peace; they defend the country and its population. They shall support the civilian authorities in safeguarding the country against serious threats to internal security and in dealing with exceptional situations.”¹⁰² The last sentence of this paragraph stipulates that “further duties may be provided for by law.” The services, however voluntary, of peacekeeping are a good example here. But the competence granted by the legislator is naturally limited by international law.¹⁰³

In his legal opinion, Schweizer refers to European Courts of Human Rights (ECHR). So, in art 4, pars 1 to 3, it is stipulated that: (1) no one shall be held in slavery or servitude; (2) no one shall be required to perform forced or compulsory labor; and (3) for the purpose of this article the term “forced or compulsory labor” shall not include: (a) any work required to be done in the ordinary course of detention imposed according to the provisions of art 5 of this Convention or during conditional release from such detention; (b) any service of a military character or, in case of conscientious objectors in countries where they are recognized, service exacted instead of compulsory military service; (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community; and (d) any work or service which forms part of normal civic obligations.”¹⁰⁴ The International Pact relative to civil and political rights, concluded in New York on 16 December 1966, approved by the federal assembly on 13 December 1991 and came into effect in Switzerland on 18 September 1992 makes nearly exactly the

¹⁰²The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 58, para. 2.

¹⁰³Schweizer, 88.

¹⁰⁴European Court of Human Rights, Council of Europe, art. 4.

same precision that art. 8.¹⁰⁵ Schweizer therefore logically concludes military obligations do not constitute a forced labor, but underlines one more time that the engagement of draftees to a task without connection to the military apparatus (*res militaris*) is in principle forbidden because it is not justified in any exception to the above mentioned conventions. So the support by the armed forces to large sports private events are not conformed to international law. Unless soldiers are serving on a volunteer basis, after having reached the limit of their military obligations.¹⁰⁶

In order to conclude this first phase dedicated to the legal scope, the author wishes to briefly summarize the main points of the studied theme. The Law, alone and unique, is the basis and the limit of the State activity. The confederation and the cantons must respect international law. It means that the constitution must be changed, if necessary, to match the principles of the international law and not the opposite. The author studied the problem of gender equality, respectively of discrimination. Moreover, the State has assigned tasks. One of them is to assure security, in a broad sense, of the territory and population and, as well to organize a defense based on the risk analysis and not according to the arbitrary set amount. On the other hand the draft, therefore constraining individuals to give up personal freedom and to narrow a fundamental right, is legal under certain conditions. Finally, conscription is not, subjected to the same conditions, a violation to the slave and forced labor ban. These conditions are: any service of a military character

¹⁰⁵United Nations, *International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966*, <http://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf> (accessed 12 November 2013), art. 8.

¹⁰⁶Schweizer, 88.

or, in case of conscientious objectors in countries where they are recognized (which is the case in Switzerland), service exacted instead of compulsory military service; any service exacted in case of an emergency or calamity threatening the life or well-being of the community; any work or service which forms part of normal civic obligations.

International law therefore opens a whole series of possible routes in order to modulate the Swiss conscription and the militia system. In 2005, however, a senator tabled a postulate¹⁰⁷ enjoying the Federal Council to establish a report on equality concerning the obligation to serve. In its 2007 answer, the Federal Council wrote that the equality of the obligation to serve could be objectified to a certain point, especially on numbers. It is however largely dependent of the changes Swiss society goes through as well as the individual and collective sense of justice. The Federal executive opinion is that “Equality of the obligation to serve is guaranteed, insofar as the fulfilling of military obligations takes place in the outmost objective, the most transparent and the most equitable manner possible according to the equal treatment principles.”¹⁰⁸ The main argument of the Federal Council is that with an aptitude rate after the recruiting school relatively constant around 60 percent and with the incorporated rate to the civil protection

¹⁰⁷The Federal Assembly – The Swiss Parliament, “Curia Vista – Objets parlementaires,” http://www.parlament.ch/e/suche/Pages/geschaefte.aspx?gesch_id=20053526 (accessed 13 November 2013).

¹⁰⁸The Swiss Federal Council, *Bericht des Bundesrats zur Wehrgerechtigkeit in Erfüllung des Postulats 05.3526 von Ständerat Franz Wicki vom 29. September 2005* 28 (März 2007); 13, <http://www.vbs.admin.ch/internet/vbs/de/home/themen/defence/wehrpflicht/dokumente.parsys.43800.downloadList.98447.DownloadFile.tmp/7892.pdf> (accessed 13 November 2013).

program at 15 percent, the tested drafted percentage achieving a personal service is maintained around 75 percent.¹⁰⁹

The Federal Council draws then the conclusion that the disposition of the fulfillment of a personal service is still high. To support its say, it brings up the results of a pool which references are not given but stipulates that “4 out of 5 draftees state at the end of their recruitment that they came with the wish to be declared fit for duty for a military service (67 percent) or a civil protection service (14 percent).”¹¹⁰ The Federal Council clarifies that since 2003, a still important number of draftee files an appeal against an unfit for duty statement. The number of these appeals is also superior to the appeals against fit for duty statement. So, according to the Federal Council’s opinion, “Future developments will depend on the situation of security policy, the birth rate and the bill of health of our youth. A recurring evaluation of the equality of the obligation to serve will consequently be necessary.”¹¹¹

Security Policy: Equilibrium between Threats, Resources, and Political Consensus

Threats

The author brought the fact that an analysis of the threat needs to be the starting point of all reflection in the matter of defense and more particularly for the armed forces. The author now begins the study of the content of literature, which brings intelligence on the threat Switzerland must face. The author will also treat the information from the

¹⁰⁹The Swiss Federal Council, *Bericht des Bundesrats*, 5 and 7.

¹¹⁰*Ibid.*, 13.

¹¹¹*Ibid.*

Confederation Intelligence Bureau (FIS), on the national strategy for a protection of critical infrastructures, from 2010 RAPOLSEC, but also from the Federal Office for Police (FOP) or the Federal Office for Migration (FOM).

The author starts with the last report (to this date) from the FIS. It explains the threats, but often stays vague and does not really offers measures to counter those threats. In fact, it is the report of security policy that should bring forward concrete measures to reduce threats. As previously mentioned, this document will be analyzed later.

The following radar shows the threats relevant to Switzerland. It is a simplified version though, which does not contain any confidential data. So this public version lists the threats that fall within the FIS's remit, together with "migration risks" and "organized crime," which are also relevant from the security point of view.¹¹²

¹¹²Federal Intelligence Service, *Switzerland's Security, Situation Report 2013 of the Federal Intelligence Service FIS*, 2013, http://www.vbs.admin.ch/internet/vbs/en/home/documentation/publication/snd_publ.parsys.86537.downloadList.89279.DownloadFile.tmp/06ndblageberichtewebversion.pdf (accessed 13 November 2013), 8.

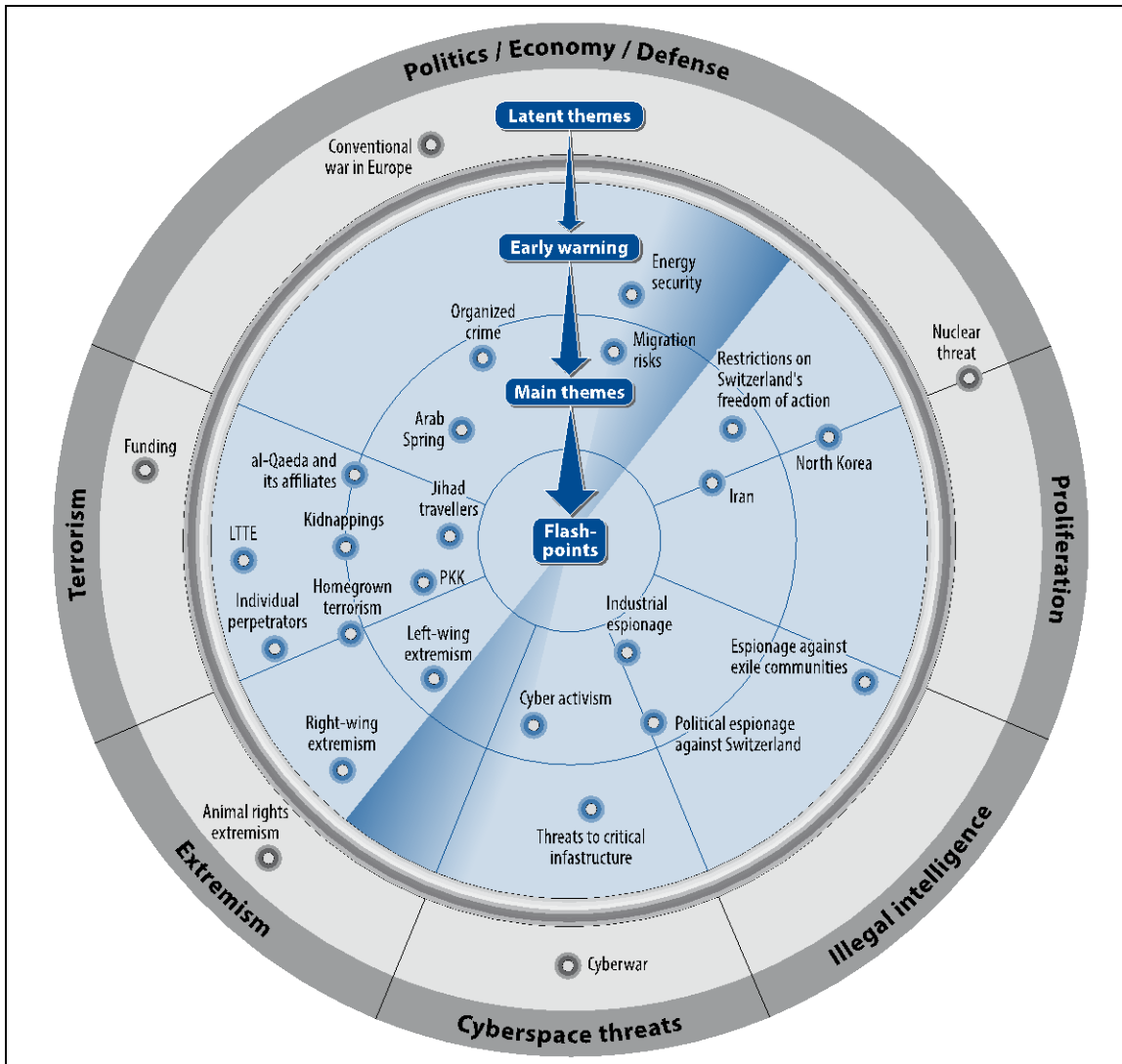


Figure 12. 2013 Situation Radar of the Federal Intelligence Service (public version)

Source: Federal Intelligence Service, *Switzerland's Security, Situation Report 2013 of the Federal Intelligence Service FIS*, 2013, http://www.vbs.admin.ch/internet/vbs/en/home/documentation/publication/snd_publ.parsys.86537.downloadList.89279.DownloadFile.tmp/06ndblageberichtewebversion.pdf (accessed 13 November 2013), 8.

Here, the FIS does not currently see an imminent threat against Switzerland (flashpoints). It points out that, “in longer term, compared to many other countries,

Switzerland finds itself in a very calm and stable situation.”¹¹³ For the Armed Forces, it means that there, currently, are no “serious threats to internal security” or “exceptional situations.”¹¹⁴ However, because constitutionally the armed forces “shall support the civilian authorities in safeguarding the country against serious threats to internal security and in dealing with exceptional situations,” the author, who is personally involved in this matter, offers to tackle these themes.

In its periphery, the radar confirms that conventional or cyber-technic wars in Europe are only latent themes. It is the same situation for nuclear threat, even if the FIS reinforces its attention on what is happening in North Korea as well as Iran, which is considered by FIS as a main theme. As far as proliferation is concerned, FIS notes “an improvement as qualitative and as quantitative regarding the Iranian capacity of intimidation in the Persian Gulf.”¹¹⁵ As shown in the below graph, the Iranian vectors therefore lengthens the Iranian nuclear threat, voluntary or by accident, to the Swiss threshold. If the country is not directly aimed at, the consequences of the program are worrying and concerning Swiss authorities. FIS mentions this about the topic: “a nuclear-armed Iran would not only have implications in the region and further afield, but would

¹¹³Federal Intelligence Service, *Switzerland’s Security, Situation Report 2013 of the Federal Intelligence Service FIS*, 6.

¹¹⁴The Federal Authorities of the Swiss Confederation, “Federal Constitution of the Swiss Confederation,” art. 58, para. 2.

¹¹⁵Federal Intelligence Service, *Switzerland’s Security, Situation Report 2013 of the Federal Intelligence Service FIS*, 64.

in particular shake the foundations of international efforts to curb proliferation and might provoke a new nuclear arms race.”¹¹⁶

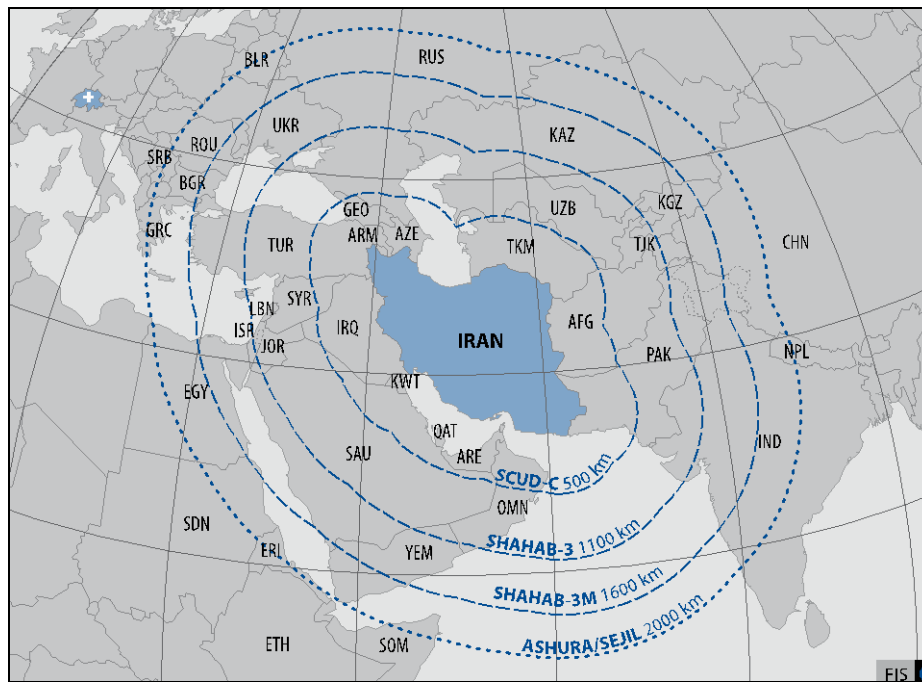


Figure 13. Iranian Ballistic Missiles Reach

Source: Federal Intelligence Service, Switzerland’s Security, *Situation Report 2013 of the Federal Intelligence Service FIS*. 2013, http://www.vbs.admin.ch/internet/vbs/en/home/documentation/publication/snd_publ.parsys.86537.downloadList.89279.DownloadFile.tmp/06ndblageberichtewebversion.pdf (accessed 13 November 2013), 8.

The author has already studied the theme of globalization. Here, FIS reports in the context of the growing global numeric networking, the vulnerability of communication and computer infrastructures, called critical infrastructures (IC), as far as perturbations

¹¹⁶Federal Intelligence Service, Switzerland’s Security, *Situation Report 2013 of the Federal Intelligence Service FIS*, 66.

and attacks are concerned, has increased. The possibility to embezzle some of it for a criminal, terrorist, military or intelligence purpose grew as well. As a matter of fact, some disruptions, of long term or durability, can lead to major hindrances to the capacity to act for authorities at every echelons of the Confederation.¹¹⁷ This last remark directly impacts the way the Swiss armed forces must prepare to support the authorities in the context of safekeeping of living conditions missions.¹¹⁸ This type of missions is a potential for a large use of manpower. If the length of the engagement is lengthened, the question of an eventual relief must be brought up.

The violent extremism and terrorism are also very current threats. As far as FIS is concerned, it is possible that the reference to the Minaret building ban and other mentions of a presumed hostility from Switzerland to Iran contribute to the radicalization of some individuals. It is also possible that some Islamists or jihadist groups use the presumed hostile attitude from Switzerland towards Islam as a tool and call for actions. In the current environment, violent actions against Switzerland and against foreign Swiss assets cannot be excluded.¹¹⁹ But once more, it is the capacity of the armed forces, material and human wise, which support the civilian authorities following an event that needs to be taken into account. The management of consequences of a potential attack on water retaining dam, or a nuclear plant or the use of a dirty bomb can also prove to be

¹¹⁷Federal Intelligence Service, *Switzerland's Security, Situation Report 2013 of the Federal Intelligence Service FIS*, 77.

¹¹⁸See Glossary.

¹¹⁹Federal Intelligence Service, *Switzerland's Security, Situation Report 2013 of the Federal Intelligence Service FIS*, 32.

demanding in manpower and material. The time factor also plays an important role as far as the capacity to last is concerned.

The other visible threats listed by FIS mainly affects law enforcement and intelligence services themselves in their daily tasks. Their consequences hold less risk to launch a national exception situation, even cantonal. The author previously demonstrated that the armed forces could not, constitutionally, be affected to law enforcement task within a normal situation. The analysis of the FIS document therefore stops at this point.

According to the author interpretation, the threats described by FIS very frequently tackle the IC (Critical Infrastructures). In 2012, Switzerland equipped itself with a new strategy in IC protection. The vision of this strategy is the following: “the working capacity of its critical infrastructures assures Switzerland a resilience allowing as far as possible to avoid major failures in a large geographical sense of the critical infrastructures as well as goods and services which depend on them and that in case of an incident, the scale of the consequences is limited.”¹²⁰ The term resilience is defined in the following page as: “the aptitude of a system, organization or society to resist disruption of internal or external origin and to preserve as far as possible its working capacity or to re-establish itself as soon as possible.”¹²¹

¹²⁰The Swiss Federal Council, *Stratégie nationale pour la protection des infrastructures critiques* du 27 juin 2012, <http://www.bevoelkerungsschutz.admin.ch/internet/bs/fr/home/themen/ski.parsysrelated1.76002.downloadList.15795.DownloadFile.tmp/natstratski2012f.pdf> (accessed 14 November 2013), 7180.

¹²¹*Ibid.*, 7181.

Table 4. List of Critical Infrastructure Sectors and Subsectors in Switzerland

Sectors	Subsectors
Public administration	Parliament, government, justice, administration
	Research institutes
	National cultural property
	Foreign representations and headquarters of international organisations
Chemical industry	Production, transport, storage, and processing of chemicals
Energy	Power supply
	Oil supply
	Natural gas supply
Waste disposal	Wastewater
	Industrial and domestic waste
	Special waste
Financial services	Banks
	Insurance companies
Public health	Medical care and hospitals
	Medicine
	Laboratories
Information and communication technology (ICT)	Telecommunications
	Information systems and networks
	Internet
	Instrumentation, automation and monitoring systems
	Radio and media
Water and Food	Food supply and food security
	Potable water supply
Public safety, rescue, and emergency services	Emergency organisations (police, fire service, emergency health care and rescue services)
	Civil protection
	Armed forces
Transport	Road transport
	Rail transport
	Air transport
	Navigation
	Postal services and logistics
	Very high criticality*
	High criticality*
	Regular criticality*
<p>* ▶ All subsectors are critical. ▶ Criticality refers to the importance of the subsector in terms of interdependency, the population, and the economy (not its general importance or its mission-criticality). ▶ Even subsectors whose criticality is regular may contain highly critical individual elements. ▶ Weighting is based on an ordinary threat level. *</p>	

Source: The Swiss Federal Council, “The Federal Council’s Basic Strategy for Critical Infrastructure Protection, Basis for the National Critical Infrastructure Protection Strategy,” 18 May 2009, <http://www.bevoelkerungsschutz.admin.ch/internet/bs/en/home/themen/ski.parsysrelated1.82246.downloadList.42043.DownloadFile.tmp/grundstrategieski20090518e.pdf> (accessed 12 October 2013).

The author already demonstrated the importance for Switzerland, a crossroad for global economy and for North-South transit, to be able to enjoy critical infrastructures in working order. If it is not the case, as mentioned in the definition, the normal state needs to be re-established as soon as possible. This is the reason why resiliency contains four pillars. Two of them are interesting here: The capacity to mobilize efficient help as well as the speed and efficiency of the help. It is important to reiterate that help needs to be potentially massive but also fast and efficient.¹²²

The author, now, would like to study the threat in regards to the 2010 RAPOLSEC. One of the implicit objectives is obviously to certify if the visions are the same. As the author has already mentioned, the 2010 RAPOLSEC “analyzes the security policy evolution in the past 10 years, assesses the threat and dangers for Switzerland and it states the vulnerabilities and the international context of its current situation.”¹²³

In the first lines, the report draws a general portrait of the security tendencies. It states the world is not dangerous but unpredictable. It notes that the internationalization translates into a geographical interconnection phenomenon, even between far away territories, but also material. Globalization therefore offers a much larger fieldwork to non-governmental actors. It also tackles the tendency to turn to a prevention force in order to fight threats and dangers before it reaches the territory itself. The 2010 RAPOLSEC underlines the modern world vulnerability, especially when it comes to

¹²²The Swiss Federal Council, *Stratégie nationale pour la protection des infrastructures critiques*, 7181.

¹²³The Swiss Federal Council, *Rapport du Conseil fédéral à l'Assemblée fédérale sur la politique de sécurité de la Suisse*, 23 juin 2010, <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/bases/sicherheit.parsys.5013.downloadList.36678.DownloadFile.tmp/sipolbf.pdf> (accessed 14 November 2013), 2.

natural phenomenon. The example of the hurricane Katrina in the United States is in that case, eloquent. The report also recognizes that the United States have more and more difficulties to identify the factors in matters of security, evaluating their importance and acting in a timely manner.¹²⁴

However that may be, the 2010 RAPOLSEC gives an exhaustive list of dangers and threats. The following chart proves it.

Table 5. Threats and Dangers against Switzerland

<i>Direct threats and dangers</i>	<i>Indirect threats and dangers</i>
<ul style="list-style-type: none"> – Natural and anthropogenic disasters, and emergency situations – Supplying roadblocks due to conflicts – Military attack – Economic constraints – Cyber attacks – Prohibited intelligence activities – Terrorism (Political, civilian agent) – Violent extremism – Organized crime – Life threatening offense 	<ul style="list-style-type: none"> – Weapon of mass destruction and long distance missiles proliferation – State structures breaking down (“ failed States “ or bankrupt States) – Migration problems (Migration policy) – Climate change (environment policy) – Pandemics (Political and health policy)

Source: Federal Department of Defense, Civil Protection and Sport DPPS, “2010 Report on Security Policies,” <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/bases/sicherheit.parsys.5013.downloadList.36678> (accessed 1 November 2013).

At least one theme is new comparing to the previous documents. Natural and anthropogenic disasters as well as emergency situations are even the first studied dangers. Here the 2010 RAPOLSEC notes that natural disasters susceptible to strike Switzerland are earthquakes, storms, flooding, avalanches, droughts and forest fires. For

¹²⁴The Swiss Federal Council, *Rapport du Conseil fédéral à l’Assemblée fédérale sur la politique de sécurité de la Suisse*, 10.

anthropogenic disasters, we list industrial accidents of the Chernobyl type (radioactive leaks) or of the Schweizerhalle type (chemical fire followed by a pollution of the Rhine River). The report brings forth that experts expect an augmentation of frequency and scale for natural disasters in Switzerland as well. However, their consequences will probably be limited to local perimeter, even regional. As far as anthropogenic disasters, it mentions that they are rare, adding that their probability even lowered because of the strictest security measures taken in Switzerland. Nonetheless, as a consequence of the high density of construction and exploitation in the country, Switzerland is more vulnerable to disaster, being natural or anthropogenic. These events might also have deep indirect impacts causing important consecutive damage such as the interruption of energy supplies, of telecommunications and of transport networks.¹²⁵

As for military threat, the report gives blurred contours. It however judges the probability of a military attack launched by another state against Switzerland to be very weak. But it calls up the danger made from the fact the arms normally for the military are now in the hands of terrorist groups. The tactical guided rockets are explicitly mentioned.¹²⁶

Further in the text, the report treats the migratory problems. As a matter of fact, it mentions that migrations themselves are not a topic emerging from security policy. It would actually be false and unacceptable to globally qualify them as a danger or threat. They however presents several links with security policy: A sudden flux of refugees can

¹²⁵The Swiss Federal Council, *Rapport du Conseil fédéral à l'Assemblée fédérale sur la politique de sécurité de la Suisse*, 12.

¹²⁶*Ibid.*, 13.

overload the welcome and registration structure and potentially need an intervention from the armed forces, civil protection and civil service in order to establish additional refugee centers and for the entire welcoming system. A high augmentation of illegal entries at the border could entail the introduction of a systematic checkpoint control and a forced recourse to the armed forces to support border control.¹²⁷

Another danger, the one of the pandemics, is also stated in the 2010 RAPOLSEC, spreading the spectrum given in the other studied documents. For Federal authorities, the pandemics put in direct danger the health of the population and are a recurring reality, such as SRAS, the bird flu, and the swine flu. According to the report, the pandemics can nevertheless hamper the working order of the State, the economy and civilian society to the extreme where an intervention from the armed forces, the civil protection and civil service becomes essential.¹²⁸

At the end of the chapter devoted to the current situation, the 2010 RAPOLSEC restates the threats and dangers in term of vulnerability. In the report, society urbanization is a growing factor for vulnerability. It underlines that this tendency will become stronger. The report finally notices that the “most extreme and most wide spread threat form that weighs on a State, a military attack from another state, lost some of its importance”¹²⁹ For the author, the 2010 RAPOLSEC shows that what will be expected of the Armed Forces in the future is getting further away from the core of the job

¹²⁷The Swiss Federal Council, *Rapport du Conseil fédéral à l'Assemblée fédérale sur la politique de sécurité de la Suisse*, 16.

¹²⁸*Ibid.*, 17.

¹²⁹*Ibid.*, 18.

historically speaking, which is the combined arms combat. The rest of the report continues the same path since it mentions further on “the possibilities to hinder in other ways the running of the State have become larger and more diverse, because of globalization and a growing interconnection for the economy, society but mostly technology.”¹³⁰ This way, the report reinforces the idea of a shift in the main effort of military tasks. From combined arms combat, Swiss armed forces are heading toward a support to civilian authorities.

On top of official documents, the author wishes to bring another perspective by studying the report written by Pierre Maudet. Globally, the magistrate responsible for the security of Geneva, the second city of the country,¹³¹ describes “being confronted on a daily basis with problems which ins and outs go way out of the spectrum of the town and canton of Geneva, as well as Switzerland.”¹³² Maudet mentions the transnational character of cyber and organized crimes. So as far as he is concerned, the urban centers are “often really powerless in the face of violent endogenous extremism and extreme volatile terrorist threats.”¹³³ Maudet regrets that the Confederation devotes 4.4 billion CHF per year to the maintenance of armed forces, which he qualifies as “hypertrophied

¹³⁰The Swiss Federal Council, *Rapport du Conseil fédéral à l'Assemblée fédérale sur la politique de sécurité de la Suisse*, 18.

¹³¹République et Canton de Genève, “Election Complémentaire d’un Membre du Conseil d’état du 17 Juin 2012,” <http://www.ge.ch/elections/20120617/canton/conseiller-d-etat/> (accessed 15 November 2013).

¹³²Maudet, 2.

¹³³*Ibid.*

and devoid of serious strategic analyses founded from missions.”¹³⁴ Maudet therefore wishes with this report to contribute to re-distribute the available means in order to assure the security of Switzerland.”¹³⁵

In his introduction, Maudet regrets that the 2010 RAPOLSEC does not widen the notion of security interest to the totality of the national interests. According to him, “to guarantee the country security, is to take into account and defend the totality of its interests. It is even more important when it comes to Switzerland since it depends so largely on its private economy.”¹³⁶ Maudet launches then an inventory of fixtures. He notes that Switzerland is isolated, vulnerable and most important, is not neutral anymore.”¹³⁷ The author has already shown Maudet’s argument in the first chapter.

Maudet follows by explaining what, in his own experience, represents the current threat. “Where some still see borders like a threat, it is actually the threats which do not have borders anymore.”¹³⁸ For Maudet, contrarily to what is stated in the 2010 RAPOLSEC, the threats Switzerland must face are identifiable. So he lists cyber attacks and specifies the following: “a recently elaborated scenario¹³⁹ by an American expert, even if it needs to be taken with caution, makes us ponder: A cyber attack putting 27

¹³⁴Maudet, 2.

¹³⁵Ibid.

¹³⁶Ibid., 5.

¹³⁷Ibid., 6.

¹³⁸Ibid., 8.

¹³⁹EU Observer, “EU Cyber Assault Would Cost €86 Million, Expert Says,” www.euobserver.com/9/30673 (accessed 15 November 2013).

European Union Countries on their knees and paralyzing them would “only” cost 86 million of Euros and would “only” need 750 computer experts and two2 years of preparation.”¹⁴⁰ Maudet specifies that attack costs be nowadays at the mercy of a large number of non-governmental agents acting anonymously.

For Maudet, critical infrastructures such as dams, nuclear plants, railroads or airports represent targets for terrorist attacks. However, the most likely targets are, according to him, large events and conferences, which are hosted by Switzerland, such as major sports events (Euro 2008, eventual Olympic games) and international summits (World Economic Forum, *La Francophonie* Summit,¹⁴¹ G8 Summit). International organizations present on Helvetian soil (UN, World Trade Organization, World Health Organization, International Labor Organization, etc.) and the foreign official representations are also part of the tempting targets. The damage to its image for Switzerland and its consequences on the economic apparel are not to be neglected according to Maudet.¹⁴²

Maudet shares the vision on natural and anthropological dangers presented in the 2010 RAPOLSEC. He then studies his solution and one of them is the creation of a Federal Department of Security. This department should regroup all the competent forces in the subject in the Confederation. On another hand, in order to face the threat he listed, Maudet asserts that Switzerland must quickly initiate some reforms, strategically and

¹⁴⁰Maudet, 8.

¹⁴¹International Organization of la Francophonie, “Welcome to the International Organization of la Francophonie,” <http://www.francophonie.org/Welcome-to-the-International.html> (accessed 19 November 2013).

¹⁴²Maudet, 2 and 8.

policy-wise as well as structurally.”¹⁴³ He hopes this way for a more active foreign policy, making notes that Switzerland is not capable anymore to defend itself on its own against a classic military attack. He also wishes for more efficient intelligence services, a better analysis and a better sharing system of collecting intelligence between the diverse partners of State security. But most importantly, Maudet wishes for an efficient fight against cyber crimes. Noting that Switzerland only dedicates one percent of its defense budget, which is 20 to 30 millions of Swiss Francs, he asks for more technological and human resources in order to fight in the cyberspace.¹⁴⁴

The author stated it: Maudet is asking for a Department of “Security” and not of “Defense” as it is currently the case. This notion is very interesting since it matches the idea described in the Federal Constitution that states that security is global.

Three EPFZ experts on security policy underline, in a preamble to their article titled “2010 report on security policy: A lot of politics, little strategy,” the divergence of opinions which opposed, in the redaction of the 2010 RAPOLSEC, the Federal Departments of Finance (FDF), Foreign Affairs (FDFA) and Internal Affairs (DFHA) with the Federal Department of Defense (DDPS). Wenger, Mauer and Möckli notice the large differences appeared within the DDPS. The sources are the missions of peacekeeping, the DEVA and the collaboration between the Confederation and the Cantons.¹⁴⁵ For these authors, the 2010 RAPOLSEC differentiates itself by a minimal

¹⁴³Maudet, 12.

¹⁴⁴Ibid., 13.

¹⁴⁵Victor Maurer, Daniel Möckli, and Andreas Wenger, Bulletin 2010, “Zur schweizerischen Sicherheitspolitik,” Swiss Federal Institute of Technology Zurich, 2010,

consensus, which contours are more modeled on internal policy motives than strategic needs. Therefore there is no equilibrium between the three basic conditions of a security policy strategy: The orientation of the probable dangers and threats, the feasibility relying on available means and the internal political consensus.¹⁴⁶

For Wenger, Mauer and Möckli, the 2010 RAPOLSEC presents a status quo by way of minimal consensus, a follow up on the 2000 RAPOLSEC. Actually, they note that rarely has a strategic paper from the Federal Council relied so much on the public criticism. The chapters on the threat analysis, the environment analysis, the intelligence services as well as the strategic management at the Confederation level are studied in a rather not concrete and not descriptive manner. The controversial themes such as the conscription and the militia system are in fact listed but, in broad term, are put into questions and debated in an insufficient manner. They are nevertheless judged as cornerstones of the DEVA, to the limit of causing anxiety.¹⁴⁷

The authors bring up the fact that new tools for security policy have appeared. They list among others the border control corps, the civil service and notes that the intelligence services are, for the first time, taken as a genuine tool. They regret however that the analysis of these tools concentrates on their current state. An analysis of the problem, of the variations for the debate and of the possible pathways for their development is missing nearly entirely. Even the integration of individual tools within a

<http://www.css.ethz.ch/publications/pdfs/Bulletin-2010.pdf> (accessed 16 November 2013), 9.

¹⁴⁶Maurer et al., 11.

¹⁴⁷Ibid., 13.

general strategic framework is not studied. They regrets as well the shortness of the parts devoted to Swiss external policy and impute it to the very badly kept relations between DDPS and FDFA during the writing of the 2010 RAPOLSEC. For example, the question to know in which measure a larger Swiss partaking in the European production in security could favorably impact their respective policies, especially in financial and fiscal matter, is not listed. Nonetheless, the authors are excited that the neutrality notion is not connoted excessively and that it is described as not at all being an obstacle to a larger international cooperation or, why not, to a participation to UN sanctions.¹⁴⁸

As far as the armed forces themselves, Wenger, Mauer and Möckli note the mentioned shift in the 2010 RAPOLSEC of the defense tasks towards protection tasks matching the threats, underlining however that the question to know if more police force should be use was not asked. According to the 2010 RAPOLSEC, the capacity to defend itself against a military attack must be maintained thanks to a global system (combined arms, respectively inter arms in Switzerland) good in quality, but reduced to the minimum in quantity. Even if they write that this vision should satisfy the autonomous defense partisans as well as the advocates for a larger international cooperation, the authors regret nonetheless that the report does not explain under which criteria the cut would be made, where would the dependences towards foreign countries be, in which domains collaboration would be reinforced or how the capacity of the international cooperation would be assured.¹⁴⁹

¹⁴⁸Maurer et al., 21.

¹⁴⁹Ibid., 23.

DEVA is only studied in broad terms, the details having to be regulated by the 2010 report on the armed forces. However, the authors notice that the 2010 RAPOLSEC anticipate a reduction in numbers of troops and heavy units as well as some modifications of the obligation to serve and the instruction system.¹⁵⁰

In analyzing the documents mentioned above, the author wanted to demonstrate and to know what is potentially expected of the armed forces, taking into account the federal executive branch, the threat and danger studied earlier, as well as the legal framework made by the obligations of the international and constitutional laws. The author finds, in line with what he thinks, and in a very generic way, the management of the consequences of the described danger and threat weighing on Switzerland can potentially require a lot of manpower and material, in a timeframe going from a few days to several weeks or months. This aspect is important. It comes from the extraordinary situations and, by consequence, it does not fundamentally require permanent troops but rather a capacity to deploy quickly a potentially large mass of soldiers and material.

After educating oneself in the requirements of the Swiss system, of its forces and weaknesses but also of its dependences and of the threats and dangers which weigh on the country, the author stays perplexed of the fact that the 2010 RAPOLSEC foresees a significant reduction of troops. Indeed, the federal council as well as Wenger, Mauer and Möckli, clearly let us understand that in security policy matters, there must be an equilibrium between the threats, the means and the political consensus. The author wonders about the true reasons, which pushed the federal council to want to still, reduce

¹⁵⁰Maurer et al., 23.

the numbers, especially when it demonstrated that the current threat could become bulimic in terms of soldiers and material.

Human Resources

Now the author offers to see in greater details the second basic factor of the security equation. In the armed forces as it is studied in this document, we are primarily talking about human resources.

On this subject, the 2010 report on the armed forces mentions that the current structures find themselves oversized and sentenced to be under granted because of the recruiting potential. The reduced strength in officers, specialists and carrier military men cannot be compensated by short-term measures but simply corrected in parts.¹⁵¹ There is indeed a problem in the recruiting potential. In theory however, as Fürholz and Ineichen mention it in an article devoted to the influence of the population development on the armed forces strength, the current population could potentially allow the creation to the biggest armed forces in Swiss history.¹⁵²

In a more detailed manner, the document specifies that the insufficient relief of military leaders is a long time worry for the armed forces, adding that at mid to average at long term of potential officers is five percent of the military men who achieved the basic

¹⁵¹The Swiss Federal Council, *Rapport sur l'armée 2010*, 1er octobre 2010, <http://www.vbs.admin.ch/internet/vbs/fr/home/documentation/bases/verteidigung.parsys.9969.downloadList.80172.DownloadFile.tmp/armeeberichtf.pdf> (accessed 16 November 2013), 21.

¹⁵²Bernhard Fürholz and René Ineichen, *Der Einfluss der Bevölkerungsentwicklung der Schweiz im 20. Jahrhundert auf die Grösse der Schweizer Armee*. In *Land Power Review der Schweizer Armee*. Bern, 2004, page 18. Online edition see http://www.css.ethz.ch/publications/pdfs/200401_LPR_Fuerholz.pdf (accessed 05 December 2013).

training. Since the beginning of *Armée XXI*, Switzerland lacks around 20 percent of militia officers. In 2009, the situation characterized itself by various objective factors. First, the need is of 1200 new lieutenants, but only 915 (around 75 percent) have been sworn in the armed forces. Then, even if most of the commanding functions are filled and the relief assured, the headquarters lack of commanders aides (Headquarter officers). The report mentions that the availability to assume a function at a battalion headquarters stays permanently weak: in 2009, only half of these functions were refilled. Finally, the regulation strength for the General Staff (GS) headquarter officers is only filled to a rate of 62 percent. The necessary relief of around 50 GS officers per year has not been attained in the past years and it become always more difficult to convince militia officers to follow the instruction to be a general staff officer.¹⁵³

For the 2010 RAPOLSEC, there are many reasons of this state of fact. The lowering of the number of junior officers (platoon leaders) brings logically the one of potential leading officers to field grade officer positions (commanders and commanders' aides at headquarters). On another hand, the pressure given by the professional activity does not encourage the fulfillment of the additional military service training. The authors recognize that the candidates are faced with difficult decisions for their carrier because it always become more difficult to harmonize the General Basic Instruction (IBG) and the Refresher Courses with the civilian trainings and professional developments. The report specifies that even though military instruction for military leaders supply precious experience and an added value in the civilian world as well as some financial advantages, many candidates gave up a professional training or an advancement and limit themselves

¹⁵³The Swiss Federal Council, *Rapport sur l'armée 2010*, 18.

to the fulfillment of the compulsory minimal service. But may be the changing in society values in the past decades had the consequence to diminish the will to enlist for a community service.¹⁵⁴

According to the 2010 report on the armed forces, in order to better the relief of military leaders, two solutions become essential: First to further harmonize military and civilian carriers and secondly, to contemplate some incentives, even financial ones.

The author mentioned above the fact that military leaders instruction supply precious experience and an added value in the civilian world. The report on the armed forces foresee in its content to further harmonize military and civilian carriers. The author wishes to briefly pool the public opinion on this topic in order to better understand what has failed.

Because in fact it is obvious that The Federal Department of Defense, Civil Protection and Sport (DDPS) hinges a part of its “marketing” on these factors, at the very least the one of the added value. “During their military leadership training, leaders are trained in personnel issues, communication, and work and leadership techniques. This knowledge is not only taught in theory but also practically applied within the context of qualification discourses, reports and issues of orders, daily and weekly planning as well as decision-making. Graduates from senior NCO or officer courses learn at an early stage to assess situations, work precisely under time pressure, deal with conflicts in the right way, and above all to keep an eye on priorities despite a high work load.”¹⁵⁵

¹⁵⁴The Swiss Federal Council, *Rapport sur l’armée 2010*, 19.

¹⁵⁵Federal Department of Defense, Civil Protection and Sport, “Added value of military leadership training,” <http://www.vtg.admin.ch/internet/vtg/en/home/themen/wirtschaft/uebersicht/fuehrungsausbildung.html> (accessed 1 November 2013).

In its opinion, the private industry acknowledges the benefit of the military training of citizens. Director of the Swiss Bankers Association, Claude-Alain Margelisch, field grade officer himself, is convinced: “During the financial crisis, we noticed that the manager who served in the military took better decisions. They resisted stress better, the learned methods might not be the most performing but they are more efficient. 10 or 15 years ago, we considered military advancement as a hindrance to a bank carrier. Things have changed since then!”¹⁵⁶ Bernard Briguet, president of the Swiss Manager Association (ASC) abounds in the same manner but with other arguments affirming that “today, in the private sector, for forty days of training, we pay 10.000 to 12.000 CHF for a certificate in leadership and crisis management. The ones who are first lieutenant or captain in the armed forces will not learn a thing . . . These management methods are all inspired by military experience.”¹⁵⁷ Private structure, the ASC made three types of diploma official by certifying the skills and knowledge obtained in the military. With the advantage that managing a basic training school (17 week on average), or a platoon of 40 men, allows to verify in such a better way than a role play between co workers if one has the targeted capacities.¹⁵⁸ The Swiss Union of the Applied Arts ¹⁵⁹ (USAM) brings itself

¹⁵⁶Xavier Alonso, “Le retour des galons,” 29 June 2011, Tribune deGeneve, <http://journal.tdg.ch/etour-galons> (accessed 1 November 2013).

¹⁵⁷Ibid.

¹⁵⁸Ibid.

¹⁵⁹Skylight Organization of Small and Mid size companies (PME), the Swiss Industrial Arts Union represent 250 associations and some 300,000 companies. As the number 1 of Swiss PMEs, it promises the establishment of an economic and politic environment facilitating the development of small and mid-size companies. SGV USAM, “Conditions optimales pour les PME suisses,” <http://www.sgv-usam.ch/fr/grands-axes-politiques.html> (accessed 1 November 2013).

those arguments to the debate by publishing in its journal the names and photos of the promotion of officers. For its then director, Hans-Ulrich Bigler, “The economy of the Small and Medium sized Companies (SMB) needs young managers with a military conduct training. These are men who have been put into test in a practical sense in a moment of crisis.”¹⁶⁰

Obviously, the conscription also has drawbacks. Jean-François Rime, new director of the USAM and also national counselor notes that if “the armed forces show more flexibility in the affectation of the young recruits at the end of their training by giving them the opportunity to follow up with their military skill, such as a driver, a machinery conductor, etc., the *Armée XXI* reform, which became official on 1 January 2004, reduced dramatically the number of days of leave of absence. It is much more manageable for the Small and Medium sized Companies.” The entrepreneur, and member of the federal legislative, makes an allusion here to two problems: first, the indirect cost that the armed forces bring to the economy; and second, the leaves of absence.

Until now, we saw that the conscription, this constraining system, is favored by the Swiss citizens who massively showed their support (73.2 percent) as well as the economy and its vast and very diverse web of small and medium size companies. Alexandre Vautravers confirms but also tones it down by stating that “the problem is not the value of the military training—it is unanimously agreed upon—it is the obligations to

¹⁶⁰Hans-Ulrich Bigler, *Journal des Arts et Métiers* 8 (Août 2012): 1, 12 and 13, http://www.sgv-usam.ch/fileadmin/user_upload/franz/2012/jam/20120803_jam_nr-08_fr.pdf (accessed 1 November 2013).

serve.”¹⁶¹ The word is thrown in the debate. Let’s see the main objective reasons why military obligations are problematic according to available sources.

A major element of the answer resides certainly in the fact that in an economy that becomes more global and which has more active women¹⁶² and high qualified.¹⁶³ The managers as well as the high qualified workers, who are either officers or enlisted, find themselves in concurrence with foreign co-workers who are not under the obligation to serve and therefore with an hypothetic amount of days of service to accomplish.¹⁶⁴ To give an example, currently a soldier must legally give 260 days of service, a captain around 1,000 days.¹⁶⁵ If we accept that the year 2013 has 251 working days,¹⁶⁶ it represents nearly four years of leave of absence. Business professor at the University of

¹⁶¹See Glossary, and ¹⁶¹“Le retour des gallons.”

¹⁶²Swiss Federal Statistical Office, *Vers l’égalité entre femmes et hommes, situation et évolution*, 2013, <http://www.bfs.admin.ch/bfs/portal/fr/index/news/publikationen.html?publicationID=5213> (accessed 4 November 2013), 12.

¹⁶³Educational differences between the sexes have been slightly narrowing over time. The proportion of people without post-compulsory education has decreased, in particular among women. Nowadays, more women complete a higher vocational training. Both the shares of women and of men with a university education have increased markedly. The proportion of women aged 25 to 34 with a university degree is higher than that of men of the same age. Swiss Federal Statistical Office, “Gender Equality – data, indicators,” http://www.bfs.admin.ch/bfs/portal/en/index/themen/20/05/blank/key/gleichstellung_und/bildungsstand.html (accessed 4 November 2013).

¹⁶⁴Alonso.

¹⁶⁵The Swiss Federal Council, *Ordonnance concernant les obligations militaires (OOMi)*, art. 9, art. 50.

¹⁶⁶Business days match to companies’ reality. Those are the days where society is effectively active. They spread in the most common case from Monday to Friday. We have 251 Business days in 2013. “Jours ouvrables et jours ouvrés en 2014,” Journal Du Net, <http://www.journaldunet.com/management/pratique/conges/4640/jours-ouvrables-et-jours-ouvres-en-2013.html> (accessed 4 November 2013).

Fribourg, Reiner Eichenberger gives his opinion converging that: “there are always more foreigners in companies. They do not have the drawback of having to leave three week for a training session. It is an injustice. The young Swiss men then risk to be at a disadvantage at the beginning of their carrier compared to their foreign co-workers as well as the women, who are encouraged who have babies later in life. Why should young Swiss men be the only ones to assume these obligations?”¹⁶⁷

By raising this question above, and even if fundamentally Eichenberger is against military obligations, which he qualifies of anti-liberal, he opens a debate to which this research precisely wants to give answers. The young Swiss male constrained to military obligation is discriminated compared to foreigners and women, two non-constrained categories.

For Vautravers, if the company director is a Swiss who served in the armed forces, being a military leader might become an advantage. At the very least, it will be tolerated. Things seem more complex in international companies. They have not all understood the subtleties of the militia and the synergy it creates between the armed forces and the civilian world.¹⁶⁸

The discrimination problem comes again to the surface in the public opinion. At least it is the case in the economy milieu, a society whom the author demonstrated its importance in the Swiss system. Another source must naturally be taken into account when we talk about personnel. Since all male citizens must come forward for the

¹⁶⁷Reiner Eichenberger, *Ce service militaire qui pénalise en entreprise*. Le Temps, August 2013, <http://www.letemps.ch/Page/Uuid/00ff58a2-0dbd-11e3-a2cd-ee68026558b9%7C0#.UngrN6Uzmw0> (accessed 4 November 2013).

¹⁶⁸Alonso.

recruitment, the armed forces chief of personnel (J1) is able to bring forth representative numbers, especially when the report on the army maintains that the current structure of the armed forces appears to be oversized and condemned to be undermanned following the potential recruitment numbers. We are clearly faced by a demographic problem.

Thus, the personnel chief of the armed forces (J1) points out in his 2010 Human Resource Summary that “taking into account the demographic evolution and social custom, the renewal of the armed forces personnel is not sufficiently provided for a short or a long term. Only an adaptation of our structure or of the actual situation (conscription model or the service model) could re-establish a balance between the quota structure and the available human resources.”¹⁶⁹ In another document, in order to justify his assessment, he refers to scenarios computed by the federal statistical office showing the probable evolution of the Swiss male population until 2025. Based on these evolutions, various models were created for the armed forces development, varying from the worst to the best imaginable solution. In the best-case scenario, the Armed Forces would be compelled to suppress 21 Battalions out of the current 181. In the worst-case scenario, it would be 36 battalions that would be cut from now until 2025 uniquely for demographic reasons.¹⁷⁰

The Chief of personnel gives another situation to illustrate the problem. For example, 34,184 citizens born in 1979 are constrained to military obligations. In 2009—the year of their 30th birthday—18,840 (55 percent) are still incorporated and are

¹⁶⁹Hans-Peter Walser, *Décompte des effectifs de l'armée en 2010*, version abrégée, 2010, <http://www.news.admin.ch/NSBSubscriber/message/attachments/20772.pdf> (accessed 17 November 2013), 13.

¹⁷⁰Walser, “Auswirkungen der Bevölkerungsentwicklung auf die Armee,” 20.

achieving their military obligations until the closest date possible from the liberation of the military obligations. For the age range 1980-1983, only 54 à 50 percent are still incorporated. This number means that only 54 à 50 percent of the constrained men born between 1980 and 1983 achieved the total amount of the military service.¹⁷¹

In the same article published after the 2010 RAPOLSEC and the 2010 report on the armed forces, the Brigade General expounds some deductions and consequences for the DEVA as far as personnel is concerned. He states one more time that, measured to the current recruiting potential, the armed forces structures are oversized and not viable at a mid-term. He explains that, in the militia army (in a conscription sense), the strength cannot be adapted to the will. The equality of military obligations requires that each conscript must be recruited according to objective and justified criteria. Therefore, a manipulation (*Steuerung*) by service aptitude criteria of the young recruits and, the same way of the armed forces strength, is not legally foreseeable. The chief of personnel also notes that the armed forces size should, in principle, match the profile of the expected performances formulated by politicians. For him, “it would be lethal if, in the future, the Swiss armed forces would be sized according to financial consideration only.” He is of the school of thought that political authorities must master an adequate risk management and determine which performances must be filled and financed as well as the domains where security risks need to be taken. He brings up as well a little further the fact that in case of a military engagement, the militia troops (therefore conscripted) must be relieved after six months at the latest, even sometimes after four months.¹⁷²

¹⁷¹Walser, “Auswirkungen der Bevölkerungsentwicklung auf die Armee,” 17.

¹⁷²Ibid., 21-22.

In his last train of thoughts, the J1 specifies that, in order to assure the future success of the Swiss military apparatus, new models to serve must be analyzed. Therefore the question is to know in which measure the beginning, as well as the length of basic training, the number of the training sessions, the total number of days of service, as well as the initial training method could be differentiated according to which part of the armed forces are involved.¹⁷³ The author underlines that, for the first time in the literature, the idea of differentiation is mentioned. He however regrets that few details are given as for a concrete realization.

Political Consensus

After having studied the threat and the means, the author wishes to follow the path given by Wenger, Mauer and Möckli by studying political consensus. As far as they are concerned, this last element constitutes the third basic condition for a good strategy in security policy. If the author has already demonstrated that there is not really a consensus in the 2010 RAPOLSEC, he now wishes to know the opinion of the main Swiss political parties concerning this topic. His idea is not so much to measure their mastering of the dossier but rather to pool the success chances of eventual new future propositions.

Before getting into the texts, the author offers to acquire a quick panorama of the Swiss parliament, in order to understand the power relation between the main Swiss political parties and as a consequence, their weight in the debate on security policy and armed forces.

¹⁷³Walser, “Auswirkungen der Bevölkerungsentwicklung auf die Armee,” 23.

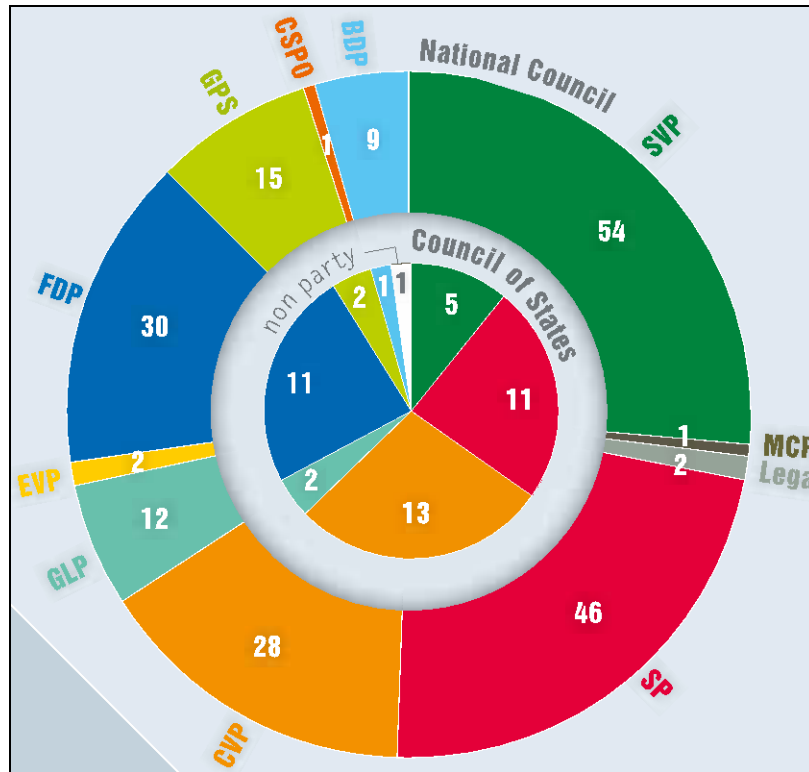


Figure 14. Votes Allotment between the Different Political Parties Represented at the Federal Parliament

Source: Federal Chancellery, “The Swiss Confederation – A Brief Guide,” 31 December 2012, http://www.bk.admin.ch/dokumentation/02070/index.html?lang=en&download=NHZLpZeg7t,lnp6I0NTU042l2Z6ln1ad1lZn4Z2qZpnO2Yuq2Z6gpJCHeYJ4fWym162epYbg2c_JjKbNoKS6A-- (accessed 12 October 2013).

The strongest four political formations are the Swiss People’s Party (SVP), the Swiss Social Democratic Party (SP), The Liberals (FDP), and the Christian Democrat People’s Party (CVP). The Swiss Green Party (GSP), the Swiss Green Liberal Party (GLP) and the Conservative Democratic Party (BDP) are often courted in order to create alliances which sometimes can become counter natural.

In a few words and according to their own description, the SVP is committed to an independent and neutral Switzerland and is firmly against Switzerland creeping

towards membership of the EU. The SP is committed to a society in which individuals are free to shape their lives, but in which a social net is in place to catch those at risk of falling. The Liberals stands for freedom and personal responsibility. Citizens should be able to shape their own lives. The state should provide a secure framework for citizens, outstanding schools and modern infrastructure. The CVP focuses on families and middle-income groups. As a business oriented party with a liberal social outlook it seeks a balance between individuals and society, personal responsibility and solidarity. The party is committed to the internal and external security of the country.¹⁷⁴

After these brief explanations, the author offers a review of the political programs or of the position papers. It will follow a chronology matching the strength of the party in parliament. The reader must not see a political preference from the author, which prefers, as a soldier, not to meddle in political games, as he is subordinate.

In an October 2010 position paper, the SVP recalls its attachment to an independent Switzerland as well as an armed neutrality. For this party, credible and independent armed forces only can guarantee the status of an independent, neutral and sovereign State. For the SVP, the principle of militia and the obligation to serve must subside by all means possible. These are important anchoring tools of the armed forces in the population, warranting the success of the mission (*Auftragserfüllung*). War prevention remains the core of the tasks given to the armed forces. It must be prepared for the “worst-case scenario,” a military attack against Switzerland, as opposed to probable scenarios. This is the way that armed forces can also fulfill other constitutional missions. For the SVP, the resources in personnel, material and finance must match the given

¹⁷⁴Federal Chancellery, *The Swiss Confederation, a brief guide 2013*, 18-19.

mission. The international cooperation started by the armed forces in the past 15 years must be stopped. The party underlines that the armed forces must be available in a very short term and for a length to be determined. They must be deployable 24/7. To this means, the strength cannot be under 120,000 men at a minimum 40 percent of them must be in combat troops. 80.000 are obviously not sufficient. For the supply tasks, the role of population protection must be strengthened. The SVP makes an effort to specify that the armed forces must however be satisfied with limited financial resources according to the federal budget policy. Savings are therefore necessary, especially when it comes to international collaboration. For SVP, the recruiting system needs to be reviewed, without specifying in which direction. The reader will understand that the SVP rejects the 2010 RAPOLSEC, which surprisingly a SVP federal counselor wrote.¹⁷⁵ This position paper matches perfectly the SVP 2011-2015 as far as national defense is concerned.¹⁷⁶

According to the PS program approved in 2010, the national armies must be replaced by a collective system of protection lead by the international community. A security policy based on peace and solidarity implies that causes of war and violence must be eliminated. In this optic, the military and the armies are in principle counterproductive. They spread their war legitimacy and their commanders continue to tease the fire of violence. The PS party therefore rejects the idea to lead a peace and security politics with military and militia means clearly preferring an antimilitarist policy

¹⁷⁵Schweizerische Volkspartei, Kurzpositionspapier, *für eine starke Milizarmee*, October 2010, <http://www.svp.ch/display.cfm/id/101294> (accessed 17 November 2013).

¹⁷⁶Schweizerische Volkspartei, “Landesverteidigung als Hauptauftrag,” *SVP-die Partei für die Schweiz, Parteiprogramm 2001-2015*, <http://www.svp.ch/display.cfm/id/101396> (accessed 17 November 2013), 61-63.

of peace and security. The PS asserts that current spending on the Swiss armed forces must entirely be redirected to the international promotion of peace. An abolition of the armed forces by Switzerland would a world wide strong signal that would facilitate a credible international peace policy. The PS party campaigns the abolition of the armed forces. While waiting to reach this goal, the Swiss armed forces must massively get reduced and transformed. As long as an army exists, PS requires the suppression of the obligatory military service. The civilian service will be maintained after the abolition of the army on a volunteer basis. The dismantling and the transformation of the armed forces must be done in a socially acceptable way taking the needs of peripheral regions, which benefit from the armed forces' presence into account. Finally as far as the PS is concerned, we must modernize the prevention and disaster management in depth while strengthening the preventive aspect as opposed to the curative one. A modernized protection of the population relies on the strengthened cooperation between civilian institutions. The population protection is too important to be led astray as an activity of armed forces that lost their meaning.¹⁷⁷

In 2001 and in 2006 however, the SP only wanted to suspend the conscription and not eradicates it like it is case today. Its arguments were objective and moral, without specifying if they were legal. That way, the weak threat of a military aggression and the equality towards the obligation to serve formed the main arguments. The SP paper highlights however that, if the people want to keep the general obligation to serve, new

¹⁷⁷Parti socialiste Suisse, "Programme du parti: pour une démocratie économique d'orientation sociale et écologique," 2010 and 2012, <http://www.sp-ps.ch/fre/Media-library/AA-SP-Schweiz/Partei/Parteiprogramme/Programme-du-parti-2010> (accessed 17 November 2013), 25, 48-51.

models on how to serve should be developed. The SP is also against the introduction of a general obligation to serve and would prefer a voluntary civil service. It is as well against a compulsory community service (*obligatorischer Gemeinschaftsdienst*). If it finds the idea desirable, the SP qualifies it also of unrealizable, specifically because of the forced labor ban. The SP thinks that Switzerland is far from knowing an extraordinary situation justifying such service, which could as well be an undesirable wage dumping.¹⁷⁸

In this very paper, the SP presents its concept of voluntary civil service. Open to men and women between the ages of 18 and 60, this new service would last six to 12 months. We could foresee an extension of possible service domains, currently limited to the following sectors: social, health, environment and nature protection, after disaster rehabilitation, mountain agriculture, and historic patrimony preservation as well as humanitarian aid and development cooperation.¹⁷⁹

In its stance concerning the 2010 report on the armed forces, the SP notes that there is a too weak differentiation and a lack of risk prioritization, depending if the answers to be delivered is military or civilian. The SP criticizes the report, supposed to launch the DEVA, to be too anchored in outdated myths and traditions. The report on the armed forces neglects the fact that a modern army must be hinged on the threat and concrete real requirements. For the SP, the future armed forces must be small. They must cost at the most three billion CHF per year and cannot exceed 50,000 men. A new mode of recruitment, replacing the conscription, judged outdated, must be introduced. The SP

¹⁷⁸Sozial Partei Schweiz, *Freiwilliger Dienst, eine Zukunftsperspektive*, 2006, http://www.sp-ps.ch/ger/content/download/18560/230520/file/060811_SP-Schweiz_FreiwilligerZivildienst_dt.pdf (accessed 18 November 2013), 1 and 2.

¹⁷⁹*Ibid.*, 3 and 4.

judges that the strength of the Swiss armed forces (195,000) is oversized compared to international numbers. It gives the examples of Austria (34,900), Finland (29,300) and Sweden (26,800), without specifying that these numbers be of permanent armed forces, which is not the case for Switzerland.¹⁸⁰

The author notes that, after the exhibit the two main political parties thesis, that the broad ideas are diametrically opposite.

Liberals maintain in a position adopted, at the FDP delegate assembly on 24 August 2013, that security was part of basic conditions to warrant individual liberty and prosperity. For Liberals, a State cannot exist without security. The guarantee of security is and stays a key task for the State. Therefore, Liberals wish for strong militia armed forces, which assume constitutional task and which strengthen the national cohesion as well as the social and cultural integration. Liberals want to give the armed forces clear missions, accompanied with sufficient financial means in order to be efficient. Because for them, threats have become more complex and the dangers are not the same. Terrorism or cyber attacks are not part of the catalog. Even if Switzerland is surrounded by friendly states, it still needs to protect itself against such as risk that are possible ground or air attacks. Liberals argues that peace is deceitful, bringing forward a raise for military spending, at an international level, of more than 50 percent in the past decade. A potential military conflict in Europe, where Switzerland could be involved, is plausible according to Liberals. In 10 years time, economic attacks and spying could have military component. Already today, attacks via the Internet and terrorist acts threaten our transport

¹⁸⁰ Sozial Partei Schweiz, *Stellungnahme zum Entwurf des Armeeberichts 2010*, 2010, <http://www.sp-ps.ch/fre/content/download/30503/367645/version/1/file> (accessed 18 November 2013), 1-5.

and energy infrastructures. These attacks can touch our country at the same level a traditional one, even if they turn out to be less probably nowadays. So, the liberals require, for the DEVA, that the conscription and the militia system are maintained. For them, security has a cost and they are ready to allocate five billion CHF per year to armed forces. The regulated armed forces strength must count at least 100,000 men. Liberals specify that the armed forces must have sufficient human and material resources at their disposal because support mission towards civilian population are very demanding, especially in its length and intensity.¹⁸¹

The CVP, security constitutes a fundamental need for human beings. It is synonymous of quality of life and is an essential factor for the attraction-power and the success of Switzerland, one of the most secure countries in the world. For CVP, the Swiss security organs supply an excellent job and thanks to the militia system, the armed forces and the civil service are well implanted in the population. But Switzerland is threatened nowadays in multiple ways. Terrorism and organized crime are also part of the threats and crimes link to the Internet. Therefore cyber attacks are not only aiming individuals. Currently, attacks directed against the economy, the infrastructures, and highly technologized society are also a reality. For CVP, Switzerland security goes by an efficient combat against crimes, especially in the virtual space, by sufficient personal and

¹⁸¹Les libéraux-radicaux, *Politique de défense. Une armée crédible, performante et adaptée aux menaces modernes*, 2013, http://www.plr.ch/images/stories/Dokumente/Positionspapier/20131507_PP_Armee_f.pdf (accessed 18 November 2013), 1-5.

material resources as much for law enforcement as for military tasks and finally but the capacity to coordinate the actions of all security agents.¹⁸²

In a 2010 paper explaining the future of the armed forces, the CVP showed off the current dangers such as electronic warfare, terrorism, threat of long range weapons as well as the vulnerability of our economy, our infrastructures and our highly technology oriented society. According to CVP, in light of the described threats, a re-orientation of the armed forces in terms of tasks and strength is necessary. So the CVP offers 25,000 men for defense key tasks and two relieves of 25 to 30,000 men each supporting civilian authorities. The necessary global strength finds itself around 80,000 men to whom CVP is ready to allocate four billion CHF. On another topic, the sharing of tasks between the army, the civilian protection and the civil service must be reviewed and the support brought to cantons needs to be clearly limited. As far as CVP is concerned, we need to cease thinking that the Swiss protection, security and defense must be assured everywhere by the armed forces. It has the consequence to clearly reduce the volume of performances but also to grow the flexibility of engagements in a larger danger spectrum. The party wants a general obligation to serve—in replacement of the compulsory military service, which would be defined by the armed forces and society's needs. They want to keep militia armed forces, because it is the guarantee of the armed forces' anchoring in the population and of a flexible use of their potential. But in parallel, the militia system must be adapted to modern needs. Therefore, the length of the service must be organized

¹⁸²Parti démocrate chrétien, *Le PDC: pour la sécurité de la Suisse, présente et future*, juillet 2013, http://www.pdc.ch/fileadmin/Bund_DE/downloads/positionspapier/13_08_20_Positionspapier_Sicherheit-PP_neu-fr.pdf (accessed 18 November 2013), 2-5.

to optimize operational availabilities and the training costs. On another hand, the armed forces must supply the adequate training specifically used in actual missions.¹⁸³

The analysis of positions and ideas of the four parties dominating Swiss political life shows that there are numbers of opinion differences. They involve the perception of threats, the tasks given to the armed forces, their strength, as well as the budget to the Swiss military apparatus. As it is shown in the chart below, the ways to follow and their motivating arguments present very diverse angles of reflection, oscillating between a general philosophical vision to sometimes a detailed concept.

All the parties, even if they opt for different formulations, seem to generally agree on the threats. They however diverge on their balancing, their occurrence probability or on the size of possible consequences. The SP aside, which hope in fact for the armed forces abolition, all the major political parties are in favor of the maintenance of the obligation to serve as well as a militia system. CVP even takes a general obligation for a community service into consideration. Most of the parties however call for a reconsideration of the model to serve to, broadly, better satisfy the requirement of the economy. If all the parties articulate a strength number and precise budget for the armed forces, none delivers or bases themselves on an analysis, neither precise or consequent, on the needs in human, material and financial effectively necessary in order to face the described threats. Some parties make do with supplying an international comparison of available means, implying that Switzerland, Austria, Finland and Sweden and other countries present exactly the same typology with identical characteristics.

¹⁸³Parti démocrate chrétien, *La sécurité grâce à une armée moderne répondant aux besoins d'aujourd'hui*, 2010, http://www.pdc.ch/fileadmin/Bund_DE/downloads/positionspapier/Armeepapier_F.pdf (accessed 18 November 2013).

Table 6. Summarized Panorama of the Four Swiss Political Parties' Opinions on the Armed Forces

	SVP	SP	FDP	CVP
Main Threats Seen	Transit axis. Religious terrorism. Terrorism. Uncontrolled Immigration. Economy and Financial crisis.	Anthropic and Natural disasters. Infrastructure. Nuclear Accident (weapon).	Terrorism. Cyber attacks. Ground or air attacks.	Multitude of threats. Terrorism. Organized crime. Attacks on the economy, infrastructures and society. Cybercrimes. Long range weapons.
Focus	Independence and neutrality. War prevention against a worst-case scenario. Abolition of international collaboration,	Abolition of the Armed Forces. Integration of all the tools for security policy. Weak spot for the armed forces. Concentration on probable threat. Rise of international collaboration.	War prevention and support to civilian authorities.	Support to civilian authorities and defense. New sharing of the tasks between the armed forces, the civilian protection and the civil service.
Strength (Manpower)	> 120.000 40% combat units	< 50.000	> 100.000	80.000
Budget (Mia CHF)	5.0	3.0	5.0	4.0
Conscription	Yes	No	Yes	Yes
Type	To be revised.	Against a compulsory community service. Voluntary civil service for men and women.	-	General obligation to serve hinged on the needs of the armed forces and society.
Militia System	Yes		Yes	Yes but to be adapted function of modern needs.

Source: Created by author. Political parties programs and position papers.

On a philosophical point of view, it is interesting to note that the center (CVP) and right (SVP, FDP), usually more libertarian and opposed to the State, show themselves in favor of the conscription, therefore to a limitation of fundamental rights. The center even offers officially an extension of the conscription to all citizens. The

leftist party (SP), which fight is philosophically based on equality of chances and social cohesion shows itself totally opposed to an obligatory service. Only a volunteer and limited service is foreseeable.

The engagement of the armed forces or, in more general terms, of the tools of security policy, manpowered from conscripts in a militia service in ordinary situations is not studied in any documents the author could, within reasons, appropriate. The author thinks of cyber defense or the cyber-technical space protection for example. The recent revelations around the Snowden case show that a non-friendly activity is very much alive. Even if he has an idea on the subject, the author is in impasse to demonstrate if these types of action, as well as economic spying for example are part of the common or extraordinary type of threat.

Conclusions

Before moving the next chapter, the author briefly wants to summarize the main points of the literature review. The Law, alone and unique, is the basis and the limit of the State activity. The confederation and the cantons must respect international law. It means that the constitution must be changed, if necessary, to match the principles of the international law and not the opposite. The author studied the problem of gender equality, respectively of discrimination. Moreover, the State has assigned tasks. One of them is to assure security, in a broad sense, of the territory and population and, as well to organize a defence based on the risk analysis and not according to the arbitrary set amount. On the other hand the draft, therefore constraining individuals to give up personal freedom and to narrows a fundamental right, is legal under certain conditions. Finally, conscription is not, subjected to the same conditions, a violation to the slave and forced labour ban. Here

are these conditions: any service of a military character or, in case of conscientious objectors in countries where they are recognized (which is the case in Switzerland), service exacted instead of compulsory military service; any service exacted in case of an emergency or calamity threatening the life or well-being of the community; any work or service which forms part of normal civic obligations.

Moreover the author finds, in line with what he thinks, and in a very generic way, the management of the consequences of the described danger and threat weighing on Switzerland, can potentially require a lot of manpower and material, in a timeframe going from a few days to several weeks or months. This aspect is important and comes from the extraordinary situations and, by consequence, does not fundamentally require permanent troops but rather a capacity to deploy quickly a potentially large mass of soldiers and material.

As far as human resources are concerned, current armed forces structures find themselves sentenced to be under granted because of the recruiting potential. There is a discrimination issue and if Switzerland wants to assure the future success of the Swiss military apparatus, new models to serve must be analysed. Therefore the question to ask is in which measure the beginning, as well as the length of basic training, the number of the training sessions, the total number of days of service, as well as the initial training method could be differentiated according to which part of the armed forces are involved. Finally, the problem is not the value of the military service or training. It is more the obligations to serve and their related leave of absence that are seen as a problem to be solved.

The analysis of positions and ideas of the four parties dominating Swiss political life shows that there are a number of differences of opinion. They involve the perception of threats, the tasks given to the armed forces, their strength, as well as the budget of the Swiss military apparatus. The ways to follow and their motivating arguments present very diverse angles of reflection, oscillating between a general philosophical vision to sometimes a detailed concept.

The next chapter will outline the specific research method and techniques applied to the problem the author intends to solve. It is supposed to move the reader from a general understanding of the research approach to an understanding of the particular way the author has adapted the approaches for the research. It will explain how the author's research moved, step-by-step, to answer all the research questions.

CHAPTER 3

METHODOLOGY

If you are going through hell, keep going.

—Sir Winston Churchill, “Speech to the British People”

In the second chapter, the author conducted a literature review on available documents pertinent to the studied set of problems. Many of the documents were either from legal sources, or referenced to them, or were derived from them. Another portion was from executive or administrative documents. Just like the first set, they could be references or derivations. Finally, most of the review was of public, political and academic documents. These aimed at completing the legal, executive and administrative documents referenced by famous intellectuals, as well as politicians and opinion leaders, who participate in the political debate in Switzerland around the military and security issues.

This chapter is dedicated to a basic explanation of the method used to answer the primary research question: How should Switzerland restructure conscription and militia system to meet changing or actual conditions? In order to answer this question, however some secondary questions need to be addressed. These questions are: What are the key strategic and social challenges to be addressed by Switzerland’s security policy? What are the implications, and potential solutions, for the conscription and the militia system? The goal of this chapter is to identify the type of research and methods used in order to answer each secondary question, then how these answers will support the primary question.

In order to answer these questions, the author will do a comparative review of the existing literature. The chart below gives the reader a visual of these aspects. A particular care will first be given to the freedom of action that the law offers and moreover the international law. This last one is not modifiable in order to satisfy desires, specifically or for Helvetian needs. Therefore, its study is from the beginning important. Then, while reviewing the various points of view, and schools of thought feeding the current debate, the author will also bring his attention to key factors to security policy as well and their equilibrium, especially in order to understand the importance of human resources, since it is the essence of the question. Therefore the author will study in turns threat, resources, and political consensus.

The author will seek available and pertinent literature on the studied topics, which are the law, threats, resources as well as the political consensus, via different methods depending on the moment, the type of data or pedagogy requirements. In order to obtain and maintain knowledge, sufficiently wide and in depth, as well as to warrant an optimal underscore study, the author will use various angles. In that objective, he will refer to historical perspectives to explain from different points of view the reasons of a situation. He will obviously use analogies when he wants to demonstrate or illustrate a similarity between several essentially different schools of thought. When the author will want to research similar or different reports, he will compare them in order to highlight the contrasts. The author will use analysis when it comes to disassemble an idea into its elements, which support it. However, he will use synthesis when the opposite is necessary to facilitate the understanding. He will also use examples whenever they are pertinent.

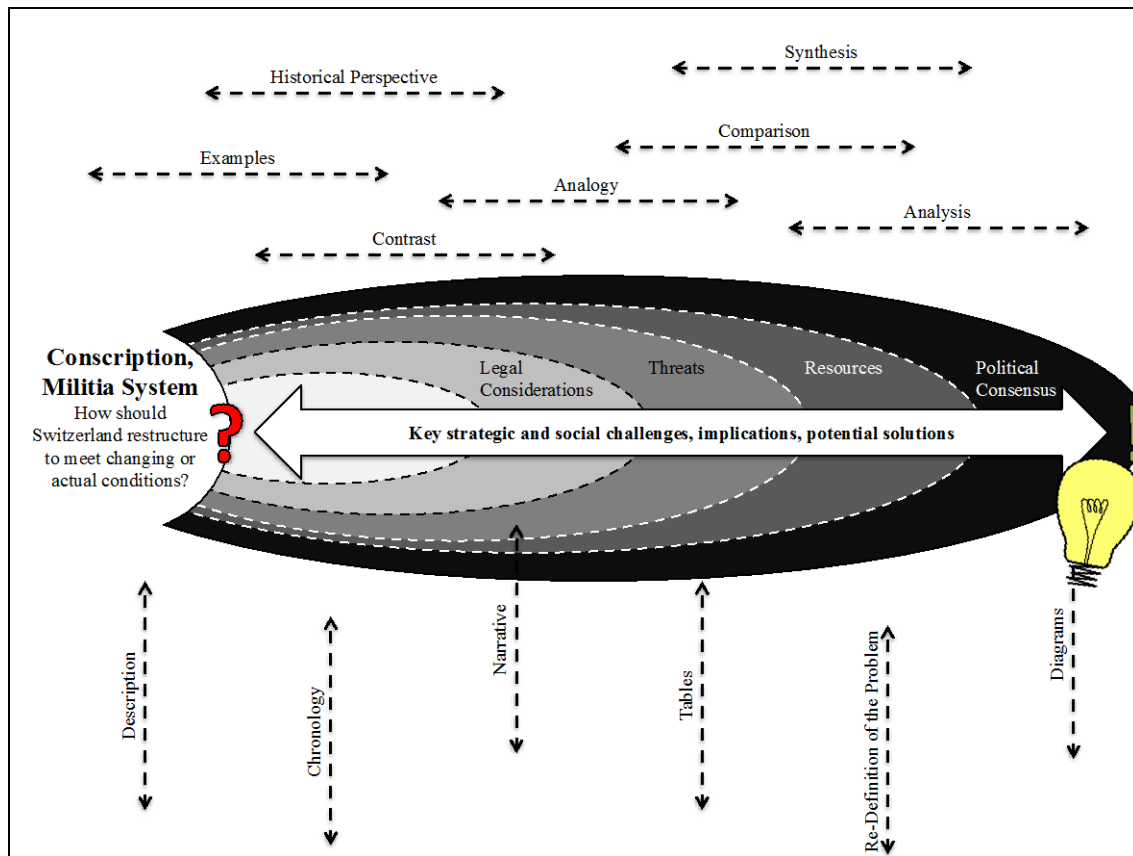


Figure 15. Areas of Study, Methods, Approaches, and Ways of Presenting Data

Source: Created by author.

The author will show his analysis and his interpretation of the collected data. In order to showcase this data, the author will mainly use description. It can be a narrative or a graph (chart, diagram, etc.) and, even sometimes, it will be a combination of both for a better comprehension and explanation. Sometimes, the author will sequence his work chronologically or thematically.

In order to stay accurate and concise, the author will proceed as it is shown in the graph below. As it is described, he will extract facts and draw interferences and

consequences from them. These consequences will form a base to build some conclusions as well as some eventual recommendations.

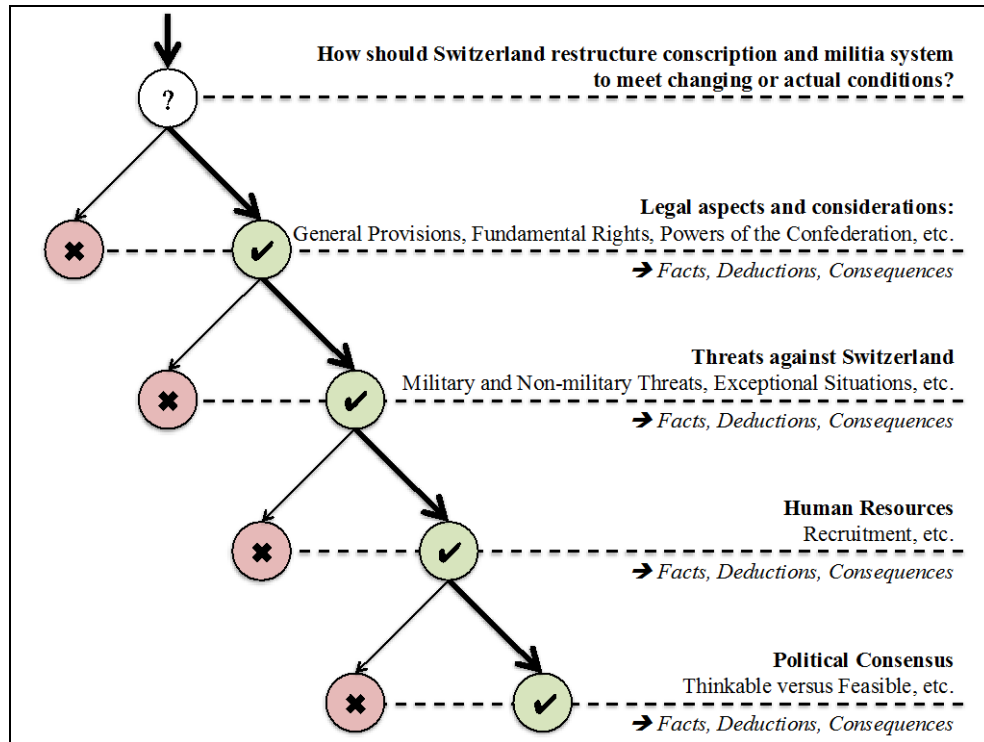


Figure 16. Generic Process Chosen to Generate Conclusions and Recommendations

Source: Created by author.

The aim of the author is therefore is to be able to draw a clear conclusion, relying on facts that will be studied in a logical and consistent manner. Only a conclusion drawn from above facts can bring the author to recommend reasonable measures, and therefore liable to be applied.

The next chapter will present, explain, analyze, and interpret the evidence produced by the methodology. It will discuss the interrelationships in this evidence and

explain how it relates to the research questions. Chapter 4 will examine the impact of the research of unexpected discoveries, correlations, and research difficulties. The purpose of this chapter is to prepare the reader for conclusions and recommendations.

CHAPTER 4

ANALYSIS

Ask not what your country can do for you—ask what you can do for your country.
— President John F. Kennedy, “Inaugural Address”

Introduction

In the previous chapters, the author explained the context of the research field, then summarized the available literature asserting the topic, and finally determined the technic used to attempt to bring answers to the primary and secondary questions asked at the beginning of the study.

In this particular chapter, the author presents his analysis of the harvested facts, with the aim to be able to draw some conclusions and recommendations in the next and last chapter. As previously explained, the author will proceed in a sequential manner, following the guideline presented in the figure 16.

In order to simplify the thought process, the author has gathered on the chart below what he considers to be, enlightened by the facts brought in the literature review, the key strategic and social challenges to be addressed by Switzerland’s security policy and, to be even more precise, by the Swiss Armed Forces in relation with the studied thematic. These elements must be absolutely taken into account if we want to sketch the potential implications and solutions to restructure the Swiss Armed Forces conscription and the militia system.

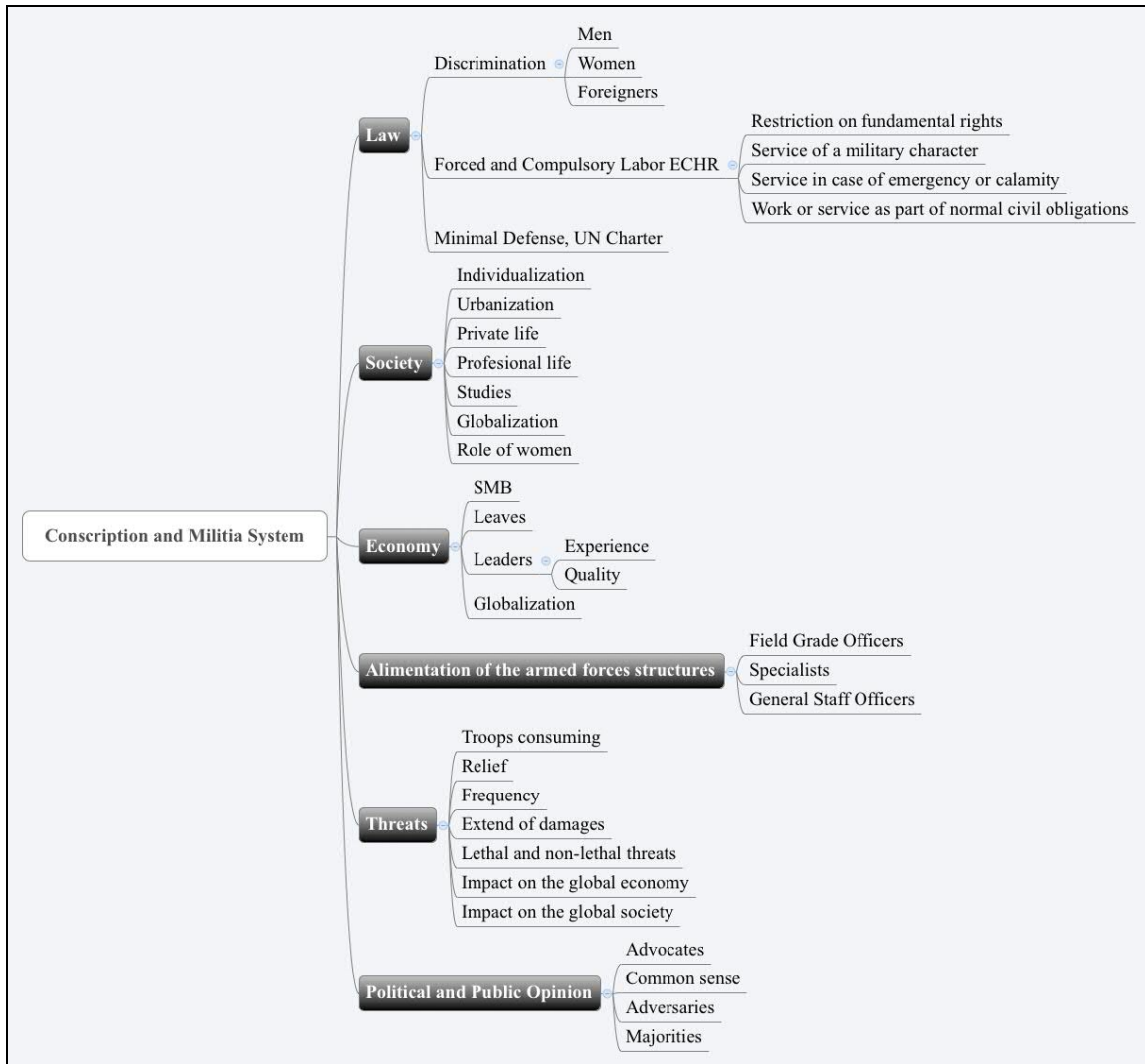


Figure 17. Key Strategic and Social Challenges Addressed by Switzerland's Security Policy for Conscription and Militia Systems

Source: Created by author.

Law

The first element clearly brought to light by the literature review is the importance of the law. The Swiss security policy is not immune from the law since, in Switzerland, the law is the base and limit of the State activities. In this perspective, if there is no legal

base, it needs to be established. If there is one, it can be modified, eventually even repealed. In any case however, the legal base must match imperatively the international law because the Confederation and cantons are subjected to it. In order to create, change or repeal a law, a parliament majority is needed. Another possibility is to convince enough citizens that the new idea is sound and worth the effort in order to launch either a referendum or an initiative. If the parliamentary majority is not met, a majority needs to nevertheless be found in a popular vote and convince a majority of the people and cantons if we want to change the constitution. A very specific attention must be given to the pedagogy. The citizens need to understand the whys and wherefores of the new texts. At the poll, all votes are equal. Therefore, each vote counts. Attention needs to be given to each layer of the classes of society. This interest must be given well before a particular situation such as an election. It must be regular and constant to allow an action by a solid link of trust. The author makes a side note that conscription is lucky, when it comes to pedagogy and relations in the Swiss society.

In the case of the particular study, the author brings up the problematic and contradictions of the Swiss constitutional law, concerning the conscription. He has specifically noticed that each individual is self-responsible and contribute to his or her strength, to the competition of tasks for the State and the Society. However, even if every person is equal before the law, no person may be discriminated against, in particular on basis of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability, men, women and foreigners do have the equal rights and duties as far as the

conscription is concerned. The author has demonstrated that it touched the military obligations as well as civilian protection.

It is obvious that conscription cannot answer all the equality criteria described above. The author, for example, has a hard time picturing a conscription gathering the youth as well as the elderly. However, in the same age bracket, all should be treated equally. This opinion is actually shared with many authors. A re-organization of the conscription must take into account these parameters and allow men as well as women and foreign permanent residents to contribute to tasks in favor of the State and its society. The result of the last popular vote on the obligatory military service excludes volunteering and clearly reinforces the way for the conscription.

International law actually recognizes the conscription, accepted as a valid restriction of fundamental rights as long as it stays proportional. But proportionality, it must be understood as matching the needs. The militia system, organizing the conscription in space and time, is therefore an essential vector of proportionality, which needs to be maintained in its essence.

International law does not associate the conscription with slavery or forced labor in the limits of a military type of service, a service in case of emergency or disaster or a service being part of the normal civic obligations. One of the civic obligations is, as the author just mentioned, to contribute to his or her strength, to the completion of tasks for the State and the Society. It is therefore entirely legal and foreseeable to extend the male conscription to females as well as foreigners in order to satisfy the non-discriminatory criteria. The question of the strength of each brought up above must be regarded in a different manner. Today, the aptitude of military obligations is founded on physical and

psychological criteria. If the psychological health stays an imperative factor, the one of physical health needs to be put in perspective. It is known that male force is not the only one. Physical force is not either. Intellectual and technical capacities must weigh in the balance because, when it comes to the threat which evolves especially in cyberspace, the sought after skills are not the same as in the past. This statement of fact then gives a chance to serve to a larger range of the population. It raises the equality when it comes to military obligations, while diminishing discrimination.

Summarizing the author's analysis on the law, the Swiss constitution needs to be modified. As far as the defense and national security are concerned, inequalities within the law need to disappear. The reasons justifying these modifications are given by the International Law. The International Law fields concerned are the ones of discrimination bans, as far as equality of chances are concerned. Conscription, as a privation of the fundamental right to freedom, is legal but restrictive.

Society

The second element that needs to be taken into account, according to the literature, if we ponder on how Switzerland should reform conscription, is People. Nowadays, the Swiss people are extremely mobile, even though they live in a very restricted space that is highly urbanized. Its very competitive universe is globalized and inter-connected. Despite these two factors and the fact the Swiss need others, especially for trade, he or she tends more and more towards the individualization. The Swiss are all about choice, but in a selective manner. "Army, yes, but without me" could be a typical remark from the mouth of Swiss youth today.

Various factors reinforced the concurrence on the Swiss job market. The entry in the Schengen agreement, opening the Swiss doors to individual free travelers, as well as the fact that women are now an integral part of professional life, are the main elements to be mentioned. In its daily struggle, the Swiss must solve a difficult equation with several unknown factors. He must reconcile his family life, in which the man has now more responsibilities since the woman often works now, with his professional activities. In order to stay marketable, the Swiss must not only have a solid basic training, but also must continue to develop his knowledge and his skills during his carrier. The training, generally takes time. It conditions in a decisive manner the future of a professional and personal carrier of the Swiss youth, so much that its availability to serve the community is subjected to caution. As the result of the last vote shows, and as the number of military men completing their service confirms it, the Swiss are cognizant of the notion of security but are less and less able to contribute to it on an individual basis.

A reworking, of conscription as well as the militia system, must take into account the factors mentioned above. As far as the author is concerned, conscription and militia system must be used with more flexibility, taking the needs and interests of both parties (individual and State) into account. The legal framework must be broadened in order to allow individualized solutions, whatever type of service fulfilled (military service, civil service or population protection service). The criteria of age, especially the capped age, must be rethought and redefined.

A system differentiated by age or available skills for one and searched by the others in a timely manner must be considered. We must however, be cognizant that the more flexible and differentiated conscription and militia system application will be, the

higher the administrative charge will be for the administration and for the military training commanders and the more manpower it will need. In a liberal State, this factor cannot be neglected. However, in this type of system, a strongly decentralized administration is necessary. The creation of a direct relation between citizens and the administration must mirror the financial counselor and his client, a strong image for the Swiss.

For the Armed Forces, there are also some advantages to a more flexible system, mainly to solve the current manpower problem the Swiss Armed Forces has. Therefore, specialists, such as the doctors for example, can serve later in their carrier, at a moment where their knowledge and know-hows reached a level, which is better than the one, brought up by a 20 year old individual, even before fully studying medicine. The problem of recruiting future higher headquarters field grade officers stays an unanswered problematic for the author. It is obvious that this relatively complex problem requires a further more precise and complete analysis.

The author wishes that the reader keeps in mind the importance of a greater flexibility in the conscription and militia system application. When we want something from one end, we need to be prepared to give up a little on the other end.

Economy

The author has demonstrated that the Swiss economy main engine is neither the large banks nor the large insurance companies. Of course the Swiss economy needs these, but it relies so much more on the vast network of small and mid-size companies whose activities are extremely diverse.

The author also explained that the employers and employees are the ones financing conscription and militia system thanks to the wage loss allocation (APG), which compensate at least partially the loss of salary during military obligations. The employers are also the ones who have to manage the consecutive leave of absence due to service time as well as the consequences of this leave can carry on a very small company.

The author draws from this, that without the employers support and the vast network they represent, conscription and militia system would rapidly be condemned to disappear. An eventual redefinition of conscription and militia system must have the undying support of the economy milieu, if it wants to have the slightest chance to come out favorably in front of the Parliament or the people.

Since today less and less of the bosses are themselves militia leaders, the anchorage and support for the Armed Forces has diminished in the economy, as well as in the Parliament. That way, if the Armed Forces want to durably keep the support of the economy, and by consequence, of the Parliament, they must absolutely take great care in their report in a proactive manner. Taking an even better account of the economy needs, especially the small and mid-size companies, seem to be a *sine qua none* condition to an efficient restructuration of the conscription and the militia system. Once more, the author is brought to think that greater flexibility in the application for both systems is a key component.

But if the employers continue to support in majority the current system, it is probably because they draw some advantages from it. Being able to have well-trained and experienced leaders available to a price actually unlike any concurrence pleads for the

current system in its entirety. The more the Armed Forces will be able to take profit from the economy, the better support they will receive in return.

Two other aspects of the Swiss economy are important, even they touch the security policy more directly than the armed forces: globalized economy and business stability. First, just like the Swiss people, the Swiss economy is also very largely globalized. The author draws from it that the dependence of foreign market to Switzerland is strong. Therefore, it is capital for Switzerland that these markets stay stable, in a safe environment, in order to avoid systemic risks, which would be too big for its exportation industry. Within the security policy, Switzerland must therefore rethink its neutrality and the manner it uses its Armed Forces or, even in broader term, its conscripts. The fact that legally, foreign missions cannot be done on a volunteer basis need to be thought. On one hand, we can imagine an obligatory base if needed. On the other hand, we need to foresee the possibility to reduce the mission in order to open this opportunity to more conscripts, as well as diversify the mission spectrum to permanent residents for the conscripts. We can also imagine humanitarian tasks and developing aid missions.

Secondly, if companies are in a favorable situation today, it is also because they enjoy a very stable and calm business-friendly situation in Switzerland. The Armed Forces, even if they naturally are not the only ones responsible, play an undeniable role in this context. So in the future and without going to an extreme, the State must set everything in place to preserve in a proportional manner the necessary stability and calm to private activities.

The reader must retain from the analysis of the economy, that the business web plays a central role in the Helvetic equilibrium and its development. If the economic world profits from the Armed Forces, it also pays a tribute. Without the support of the economic milieu, conscription and militia system are sentenced to death. In broad term, like in their relations with individuals, the armed forces must answer the economy needs with more flexibility.

Threats

Probably just like the reader, the author remembers from the literature review that risk analysis is basis of all thoughts in security policy matters. Theoretically, it is indeed the analysis that would determine the budget allowance put at the disposition and not the other way around. The author also draws from the threat and danger analysis that they can be classified in different categories.

Therefore threat can have a lethal or non-lethal character. The cyber threat is a non-lethal threat. Its consequences can kill, but it is not lethal by itself. The economic and financial wars are also non lethal. Their sources can be state-controlled or private. To efficiently fight against these two types of threat, physical capacities are useless. A conscript able to run fast and far with a stone filled backpack will not be able to do anything, a priori, against a cyber threat. But by contrast, a genius paraplegic IT engineer,¹⁸⁴ for example, will be of the best help. What the author means to say is that, the current type of sought after soldier is different from before. The threats have evolved but the selection criteria are fixated. The skill fields are wider and the armed forces are

¹⁸⁴The author wants to specifically mention a woman.

not taking this into account. Even if conscription does not evolve towards a general conscription, it must review the aptitude criteria to military obligations in function of the largest current needs. The world of defense is not only made of foot soldier in direct line of fire.

Secondly, threat and dangers can be classified according their occurrence probability. If a classic type of threat (military attack) can be reasonably foreseen in time, natural or anthropologic disaster cannot be. In the middle, we can probably find the threat of a terrorist attack. Their occurrence can actually be unique or repetitive. Their succession in time can be close or not at all. The author draws from that a system of a fast and reliable marching order is unthinkable. He also deduces from it that the troops need to be ready immediately, or after a short preparation. This state of preparation must be assured in the field of material, personnel, training, and the capacity of chiefs to lead. As far as the author is concerned, in case of a re-orientation, the conscription and the militia system must continue to answer to this threat and danger categorization.

Thirdly, the threats and dangers can be classified by the scale of the damages. This scale can combine two factors, which are space and time. The case of a nuclear accident, with a damage scale comparable to Chernobyl, happening on Helvetic soil or close by, or the direct or indirect risk given by the proliferation of weapons of Mass Destruction, are two examples of a probable combination and to the extreme of the space and time factors. The larger the space is, the more important the number of needed troops is. The longer the time is, the more pertinent the question of one or two relieves is. The final goal is always, obviously the territory and citizens' security. The faster possible return to a normal situation is the sought after final state, in order to reduce the print of

the damage done on the economy as well as on society and its infrastructure. There is therefore a strategic interest to be able, but only if necessary, to bring a massive force to action and to foresee one or two relieves.

For the author, it is now time for the authority in power to analyze in a very precise manner the factors of potentially required force. There is obviously a quantitative aspect, but there is also a qualitative and timely aspect. The questions conscription must answer are to know how many troops are potentially necessary, with which skills and for how long. If Switzerland looks into knowing how it must adapt conscription and the militia system, these questions must feed the political debate. The inverse approach, in which the debate got stuck, going in circles to know what we are going to do with X men with Y billion of CHF, does not base itself on a differentiated risk analysis. The threat and the needs generated, either for prevention, or for the management of consequences, must be in the center of the debate. The threat is a strategic challenge given the security policy. The author also showed that there is a base, framed by international law, under which we cannot proceed.

Political and Public Opinion

The author already studied the importance of public and political opinion when he spoke of the law as an essential element within our current thought. A majority is necessary. History and recent election results on topics about the Armed Forces show that they still enjoy a sufficient support from the population and the Parliament. This majority that must be preserved is the armed forces desire to freely (meaning doing it on its own) reform and if needed conscription and the militia system. As a matter of fact, as soon as this majority will disappear, reforms will be made under constraints.

In Switzerland, this majority is currently right wing and is reached by a natural alliance of bourgeois parties, which are the SVP, FDP and CVP. Sometimes however, depending on the goals, the alliance changes to open new ones. The left wing parties then are the ones changing the equilibrium.

Within the thoughts on future orientations of the security policy and, more particularly, within the evolution to be given to conscription and militia system, it is capital to take into account in a loyal and transparent manner the grievances of each party. It is even more important that, as the author explained, the two political wings present diametrically opposed views and philosophies on the subject.

The author gave some ways to protect in preventive measures this majority, but also on the long term. This methods go through the creation or, at the very least, the maintenance of a strong trust link between military institutions and individuals on one hand, as well as the chiefs of small and mid-size companies on the other. In these relations, the idea of flexibility must be dominant, without some shadow on the idea of the general interest, respectively of the national interest.

If we want to reinforce the role of conscription, as the law clearly suggests, the political world must also ask the question of efficiency of the apparatus of the Swiss security policy. Therefore, their integration within one cabinet must also be the subject of a debate, essentially for quality and efficiency reasons.

Conclusions

At the end of his analysis, the author comes to the conclusion that, if we wonder how Switzerland should restructure conscription and the militia system to answer current conditions, we need to take into account the law, the society evolution, the economy who

its components, the risk management and its consequences and finally, the political opinion and the drawn majority.

As a matter of fact, the international legal norms, the Swiss society transformation towards individualization and urbanization, the webbed interconnected character of its economy, the probability and scale of damages resulting from the risk analysis that weigh on Switzerland, but also the capacity to explain and convince the majorities are the strategic key elements which must be brought up but the Swiss security policy.

The consequences and implications of the current applicable law plead for a general conscription as a possible solution. Since the people voted against the suppression of conscription, this path seems to be the only one plausible to follow. The widening of the recruiting pool also allows facing the relief problem in the armed forces with more means, as long as the armed forces have the first priority of recruiting. The general obligation to serve, applied in a flexible manner, can also contribute to bring the population together and to reinforce the national cohesion, for example as far as language, regions, but also ages are concerned.

In the last chapter, the author wants to state the discoveries that emerged from the interpretation of the research evidence. Thus, the purpose of this chapter is to demonstrate the fact that the author has answered the research questions, to explain the significance of conclusions to the field of study, and to make recommendations, as appropriate, for further inquiry.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

After having explained his thoughts, coming from the analysis of available literature on the topic, the author now desires to conclude and present his recommendations for a judicious and pertinent adaptation to conscription as well the militia system in the Swiss Armed Forces. But in order to start his conclusion, the author wishes to repeat the main elements that guided his research.

Foremost, the author must absolutely mention that Switzerland is a prosperous country, in which a large majority of the population (89 percent) feels safe. Naturally it does not mean it is, but this is simply the dominating feeling among the population. Nor does the author want to give the impression that Switzerland is in dire straits. For example, the Swiss trust their executive and legislative powers, as well as their armed forces, actually much more than political parties or the media. Even though shaken by scandals, the economic world still keeps the favors of the Helvetic population.¹⁸⁵

Nevertheless, Switzerland has undeniably changed since the fall of the Berlin wall. This is what the author demonstrated in the first chapter of his thesis. On the international scene, the fall of the Soviet Union put an end to the European bipolar partition, redistributing the cards that neutrality had put in the hands of the Swiss. The intense growth of globalization, added to the opening of internal borders in the Schengen territory, shifted the Alps, historical ally held to the rank of national myth during the

¹⁸⁵Tibor Szvircsev Tresch, Andreas Wenger, Julie Craviolini, Elvira Krämer, and Evgenije Sokoli, *Sicherheit 2013, Aussen-, Sicherheits- und Verteidigungspolitische Meinungsbildung im Trend* (Zurich, Switzerland: Center for Security Studies, ETH Zürich und Militäarakademie an der ETH Zürich, 2013), 38.

World War II then in the Cold War, into a less comfortable role today. Historically previous barriers, the Alps and Switzerland must now take up the challenge of the mobility of goods and people, in the midst of a primary economic European Union, which Switzerland is not a member of. Moreover, in the wake of globalization, the threat now presents even more of a transnational character in which the State, generally, lost its direct influence. Even if the Swiss citizens stay very much attached to the militia system socially, the Swiss customs have evolved. Citizens tend to climb the social ladder faster, generating a certain “bourgeois-ing” of this society which grows older on one hand and limits its interactions on the other. The linguistic cleavages spread to the urban-rural relation. Certain factors, such as the availability to serve for example, completely changed between towns and villages.

To complete the Helvetian panorama, the author explained once again the Swiss Armed Forces in terms of conscription and militia system. In a few words, the conscription system is a goldmine for affordable talent. It takes advantage of the economy and, likewise, the economy takes advantage of the Armed Forces. Even if it is obviously not the only reason, it contributes to the national cohesion and can contribute to personal development. Individuals can take advantage of it as much as they want and can. The actual conscription application though, creates inequalities regarding military obligations. The militia system is flexible and allows having necessary force in a timely manner with the desired quality. The militia system also allows a skill exchange between the civilian and military world, each gaining the experience acquired in the other. However, the militia system has a price, which is endured mainly by the economy.

Finally the militia system is also heavy for the logistic apparatus since troops are not permanent.

It is important to the author that the reader understands the Swiss context in a broad and specific manner. To the author, it seems an obvious condition to fill, even before being able to ask this question: How should Switzerland restructure conscription and militia system to meet changing or actual conditions?

In the second chapter, the author proceeded to a review of available literature on the researched topic. There is a great deal of literature on the model of armed forces based on a volunteer system, but the recent decision of the Swiss people to maintain the conscription (22 September 2013) nullified these sources. In fact, no one among the intellectuals really foresaw this scenario, since it is so much at the opposite of the European tendencies towards a professionalization of Armed Forces. Therefore the author had to start by understanding the legal framework given by the international and Swiss laws, in order to then direct his research for information on solid basis. In this phase, the author built a clear idea of the strategic and social challenges that the Swiss security policies must address.

The author discovered not only the State's obligations towards the international community, but also to its citizens. Security is one of them, of course, which needs to be understood in broad terms. The available resources must as well be based on a risk analysis, which responsibility is split, between the federal legislative and executive powers. The author then widened his research to the different analysis and opinions on threats and dangers weighing on national security, in order to be able to compare them later.

After reading the legal foundations, the author also clearly came to the realization that, if the citizens have constitutional rights, like freedom or non-discrimination, they also have obligations, such as contributing, within the limits of their abilities, to the fulfillment of tasks for the state and society. The author therefore researched documents to know if conscription, in its current practice in Switzerland, answered the requirements of the Swiss and International Laws. To this effect, he concentrated on two aspects: the one of the fundamental right to non-discrimination and the one of the forced labor ban.

Then, in order to widen the knowledge spectrum, the author looked into resources which the Swiss Armed Forces have available in order to accomplish their expected tasks. On this particular topic, the attention of the author was mainly on a human resource point of view, since it has a direct link with the conscription and the militia system. As the federal constitution creates a link between the territory and its people, the author also wanted to know who really finances and supports the conscription and the militia system, and why they ultimately accept to do so and which advantages and inconveniences to they draw from it.

Lastly, since policies make society, the author wanted to know the different positions of the government political parties on the topic at hand. He wanted to know on what these opinions were based, if they were built on facts and that were coherent or not, which opportunities or challenges they presented for the future. In the same train of thoughts, the author looked into the ideas of the opinion leaders, mainly of the academic, political and economic world.

In the third chapter, the author explained the chosen research method in order to answer the laid questions. By comparing the available literature on our subject as well by

presenting the information via diverse angles, the author made sure he had the necessary intellectual tools at his disposal to first isolate the dead-ends and then to develop a new way to study the problematic.

Therefore, in the fourth chapter, the author showed his analysis of the literature review on this particular research. By proceeding in a sequential manner in the chapter's architecture, the author wanted to settle each consideration at a time for his comprehensive analysis.

By studying the law theme, the author clearly suggests that, in light of the legal documents and available legal opinions, Switzerland adjusts its conscription in such a manner that it satisfies the International Law requirements, especially as far as non-discrimination is concerned, respectively on equality of chances. It is obvious that all the inequalities will never be completely erased. However, they must tend towards zero. Conscription therefore must be extended to women on one hand and, in absolute terms, to foreign permanent residents as well. A new study and a follow up of this very study, focused on the problematic, which must answer the question on how the forces setup must be engaged and spread among all the security partners recognized by International Law. The length and form of the community service must also be defined. Some criteria in family policies, but also integration policies for example, can be taken into account on the length, form, type or physical place of the service. For the author, the Armed Forces must however keep the upper hand on recruiting. In selecting the best force available in society, the Armed Forces are then able to assure, in the best possible conditions, a State's sovereign task, the people and territory security. The monopoly of the legitimate violence must be exercised by first class male and female citizens with flawless ethics.

By studying the Swiss society as well as its economic environment, the author found out that the Armed Forces enjoy broad support among the population as well as the small and mid-size companies, even despite the drawbacks caused by the militia system. This support comes out, as well, clearly in a financial manner. There is presumably a balance between the sacrifices a company is ready to undertake, to be able to benefit from a favorable safe situation on one hand, and the running of its business on the other. As far as the author is concerned, in the approach Switzerland—and here its Armed Forces—must take up when it comes to the militia system, this balance and that support must stay at the center of all reform thoughts or ideas. The citizens and the economic environment must feel involved. Whenever possible, their needs must be discussed, respected and a solution must be reached. On this topic, the national interest takes precedence of the individual's interest. The author suggests however a larger flexibility in the management of militia system. The aim cannot be an incorporation rate of less than 50 percent at the end of military obligations.

The idea of more flexibility is highlighted as well, after the analysis of documents about the threats weighing on Switzerland. Against certain threats, only military units are efficient. In this case, where the smallest combat element is a formation, the militia and conscription should rather be inflexible. This inflexibility is justified by the need for global cohesion. However, some threats found a parade by some individualities or a group of them. In this scenario then, flexibility is a key element. There are also some critical masses, depending on the expected performances, under which it is impossible to reduce the strength without the risk of loss of knowledge and know-hows. This case also requires little flexibility.

Then, if we want to honestly and precisely determinate the volume and quality of the Armed Forces, the author came to the realization that we must lean on a rigorous and differentiated analysis of the threat. This analysis must be at the bottom of all further discussions and must define, in the most exhaustive manner possible, which level of security must be reached, in which conditions and its length. It is therefore important that the largest number of agents must participate, in a constructive and consensual spirit, mirrored by the Swiss political system. The analysis of the main political parties' programs demonstrated the fact that the core debate on the Armed Forces cannot focus primarily on a size and financial means question. These two elements actually are just an answer to a question, but not the question itself. The author suggests initiating a large collaborative and transparent process of an exhaustive threat analysis. This analysis must give birth to a consensus on national security. From this analysis, the character of security forces—among which the armed forces—must be fixed. This is only after this analysis that conscription and militia system must put themselves at the service of this set character.

After its research and analysis, as well as in lieu of a summary and conclusion, the author offers the below figure to explain, in a graphic way, how Switzerland should restructure conscription and militia system to meet changing or actual conditions. The graph also demonstrates what the key strategic and social challenges are to be addressed by Switzerland's security policy, and what are the implications, and potential solutions, for conscription and the militia system.

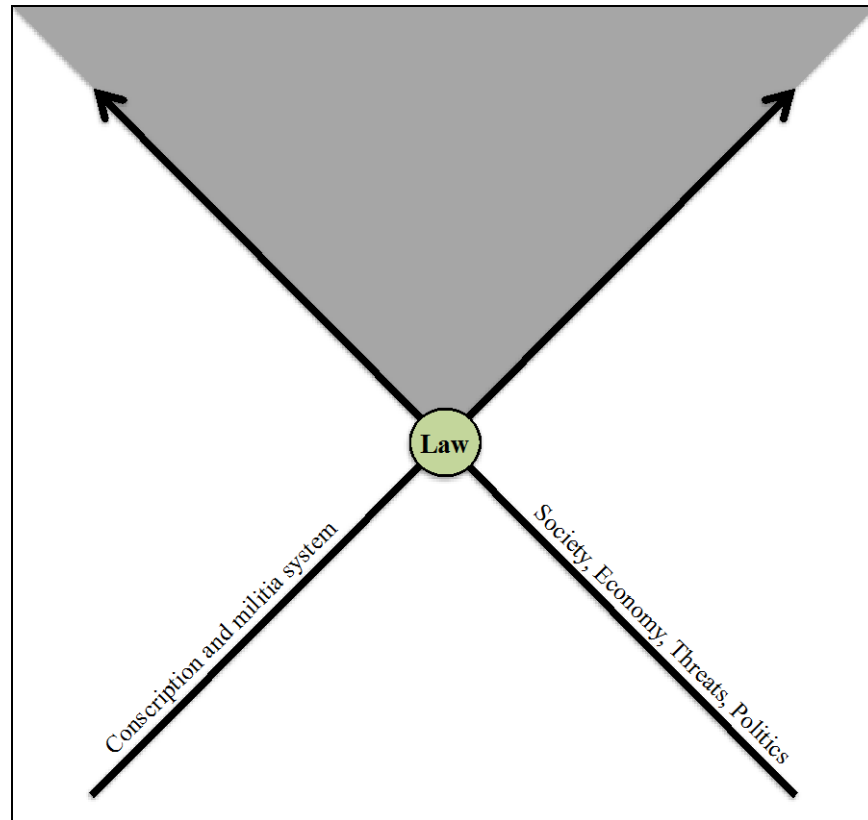


Figure 18. Positive Key Strategic and Social Challenges Balance Achieved by Switzerland's Security Policy: Win-Win Situation

Source: Created by author.

The right arrow, pointed upward, symbolizes the strategic and social key-elements linked to the Swiss Security policies, respectively their evolution and development. These are the social, economic environments, the threat analysis as well political consensus.

The left arrow, pointed upward, symbolizes the conscription and militia system development. In other words, it represents the resources, last key-element of the security policies. The two arrows represent the equation factors. In the chart 24, we can assess that the arrows found equilibrium. If we want to reform in an efficient manner, no element

must surpass the others. This is the condition to a wide and durable acceptance of the reform by the different involved environments.

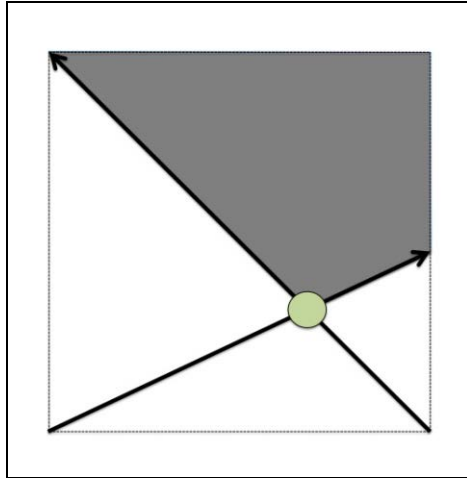


Figure 19. Example of Negative Key Strategic and Social Challenges Balance Achieved by Switzerland's Security Policy: Win-Lose Situation

Source: Created by author.

At the epicenter, creating a perfect equilibrium in this game of positive additions, we naturally find the law. The author explained its importance in a State of Law. This is therefore exactly at this precise point that the two arrows must meet if we want the reform to have a total legitimacy. As shown in the figure 19, if the place of law is modified, an imbalance is automatic. This is actually the current state of affairs today. So law is not a variable in the equation on security policies.

If Switzerland intends to efficiently and durably reform conscription and militia system so dear to its citizens, it must first put the law in its just place, which is at the center of the debate. Secondly, it must balance the threat analysis, the financial and

human resources, and the consensus around the question. Actually, without going through these two stages, the Swiss security policies in its whole would continue to the target of criticism, forbidding it in its first meaning, the optimal security of Switzerland people and territory.

GLOSSARY

Aptitude to Fulfill a Military Service. A person has the aptitude to fulfill a military service if on a medical point of view that individual can fulfill the coming military service.

Basic Training School. Generally an 18- to 21-week basic training service.

Civil Protection Service. Fulfillment of draft by Swiss citizens who are between 20 and 40 years old recruited for a civil protection service.

Civil Service as a Substitution. It is possible to fulfill a draft as a civil servant. The only persons accept to a civil draft are those who are conscientious objectors. The length of the civil service is 1.5 times higher than the length of military draft not yet accomplished with a maximum of 390 days.

Critical Infrastructure. Infrastructures, whose trouble, failure or destruction can have grave consequences on society, the economy and public powers. These infrastructures are grouped into three levels: (1) Sectors-e.g., energy, financial services, and public health; (2) Subsectors-e.g., power supply, oil supply, and natural gas supply; and (3) Individual Objects/Elements-e.g., control center for grid management, control systems, high-voltage power lines, dams, and pipelines.

Draft Obligation. It includes the instruction service, peacekeeping missions on an active or support role as well as non-military service. Those who are recruited and declared fit for duty personally serve a draft of 260 days until the age of 34.

Equality to Military Obligation. The willingness to warrant in the best conditions possible the equal fulfillment of military obligations.

Exemption Tax. Whoever is not fulfilling his military obligations by a personal service is compelled to pay a financial compensation. It is 3 percent of the taxable income, but at least 200 CHF per year.

Fit for Duty. A person is fit for duty when medically speaking this individual satisfies the physical, intellectual, psychological requirements of the military service and in the fulfillment of the service does not harm his own health or the health of others.

Long Contract Soldiers. Soldiers fulfilling on a volunteer basis the total length of their instruction service of 300 days in one session.

Military Obligations. It includes the obligation to come forward and apply to recruitment, the obligation to accomplish the draft, the obligation to fulfill a civil service, the obligation to pay an exemption tax and the obligation to state. Whoever is not fit is to pay a financial compensation.

Militia Armed Forces. The Militia Armed Forces Soldiers compelled to draft fulfill a basic course, regular repetitive trainings and supply officers.

Obligation to Apply to Recruitment. Obligation for any Swiss of age (18 years old) to apply to recruitment.

Safeguard Operation on Current Conditions. Operation type whose aim is to assure, according to the subsidiarity principle, the population's protection and its essential conditions facing the risks and consequences of a multiform emergence of violence, as well as in the case of a disaster.

Principles of the Militia Armed Forces. Personal engagement, non-professional and time limited made by male and female citizens in order to accomplish public tasks allotted to the State. The armed forces organization under the principles of the Militia Armed Forces, as in article 58 a1. 1, Cst, implies the general obligation to serve, the management of troops by officers as well as the interdiction of Professional Armed forces and Active Duty troops.

Professional Armed Forces. Employs exclusively professional soldiers and military contractors.

Recruiting. Recruiting helps especially in the appreciation, as far as the aptitude to be fit for military or civil duty is concerned, of drafted men and volunteer women and in the attributions to their service and functions. Recruiting usually is done generally in three days and includes draftees a year prior to their 19th birthday.

Standing Armed Forces Based on Conscription. Soldiers compelled to draft serve the total time of their conscription in one session.

Volunteer Armed Forces. Is made of volunteer soldiers who fulfill a basic training and a regular repetitive draft.

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